THE LIBERTARIAN TEMPTATION
DAVID FRUM

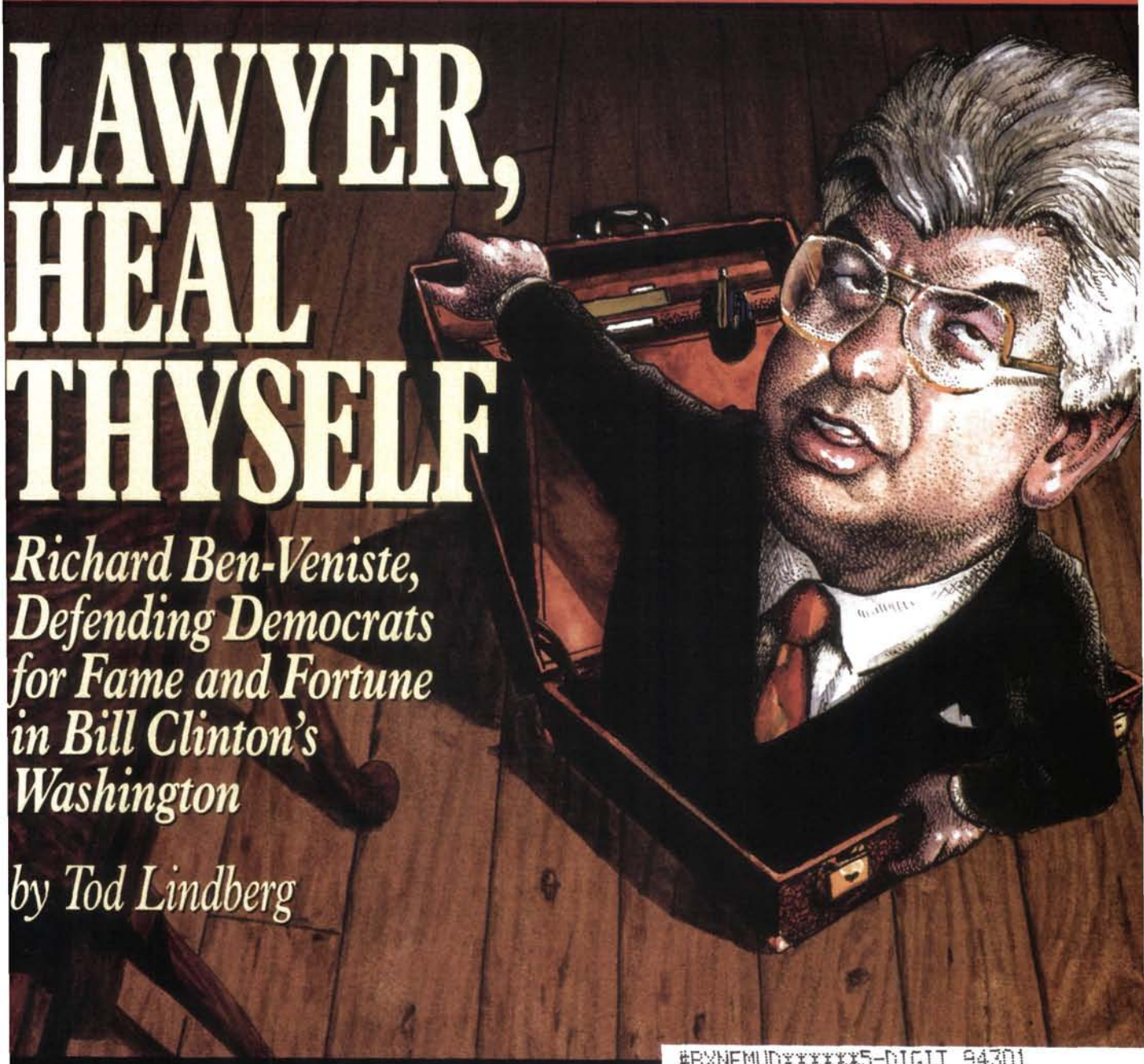
the weekly
Standard

APRIL 21, 1997 $2.95

LAWYER, HEAL THYSELF

Richard Ben-Veniste, Defending Democrats for Fame and Fortune in Bill Clinton's Washington

by Tod Lindberg



SPRING BOOKS ISSUE

Reviews by Ruth R. Wisse, J. Bottum, Malcolm Bradbury, John Derbyshire, Francis Fukuyama and Dinesh D'Souza

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AMERICANS SPEAK OUT ABOUT ACCESS CHARGES. BUT WILL ANYONE LISTEN?

PUBLIC OPINION POLL ON TELEPHONE ACCESS CHARGES

On the issue of whether present access charges are too high...
Now, about 40 cents out of every dollar you spend on long distance calls goes to pay for access charges imposed by the local phone companies. Does this seem to you to be a reasonable amount to pay for access charges, or does it seem to be too high?

1. Pretty reasonable	12%
2. Too high	82%
3. Don't know	6%

On the issue of keeping or cutting access charges...
Whom do you support:

1. The local phone companies who say we need to keep charging the long distance companies access charges in order to protect quality, affordable local phone service.	16%
2. The long distance companies who say it's time to cut access charges and save consumers some money by lowering phone rates.	79%
3. Don't know	6%

On the issue of this affecting how Americans vote...
Now would you be more or less likely to support a candidate for Congress or statewide office who took any of the following positions. If a particular position wouldn't make any difference to you one way or the other, please just say so:

A. Supported a 50% cut in the access charge that is currently on your long distance phone bill

1. More likely	67%
2. Less likely	8%
3. Makes no difference	24%
4. Don't know	2%

B. Opposed cutting the access charge that is currently on your long distance phone bill

1. More likely	22%
2. Less likely	52%
3. Makes no difference	24%
4. Don't know	2%

In a recent poll, Americans voiced their disapproval about local phone monopoly access charges. For more information from this poll, visit our Internet Web site at competition.mci.com.

Based on a telephone survey of 1300 adults in major states in the Midwest, South and West conducted March 27-April 6, 1997.

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the weekly
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The Audit Bureau Member

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The GOP Well Runs Dry

Despite claims to the contrary, fund-raising by Republican campaigns and organizations in Washington (the national committee, the House and Senate campaign committees) is suffering badly. "Way off," says one knowledgeable Republican. GOP officials have a pretty good idea why: Newt Gingrich's troubles and the meandering leadership by him and others. To be fair, there's also a seasonal reason: Fund-raising normally dips after a presidential race, especially after a losing one. And there's a mailing-list reason: The GOP lists have been bled practically dry. But anxiety at the grass roots over the lack of direction of congressional Republicans is the big downer in money-raising. And a popularity-impaired Newt is a big factor because so much of the fund-raising revolved around him (his name was on a lot of the letters). To figure out how to surmount the fund-raisng malaise, Republicans are conducting a poll.

The Next Speaker of the House

The correlation of Republican forces in the House is lining up behind Dick Armey and Bill Paxon as the ticket to take over when and if Newt Gingrich steps down as speaker. Armey would be speaker, Paxon majority leader. "There's a certain symmetry to it," says a Republican leader approvingly. Armey is from Texas, Paxon from New York. Armey is a policy wonk, Paxon a clever political strategist. Armey is strong with conservatives, Paxon has ties to moderates, especially those from the Northeast.

Why doesn't Tom DeLay, the whip, move up? He's from Texas, and Republicans won't want two Texans as numeros one and two. He'll stay on as whip. Why won't Paxon, given his popularity among Republicans, run for speaker himself? He's not ready (at age 42) and would probably lose to Armey anyway. And this way, he'll have a few years to groom himself for speaker.

Trent Lott's Chemistry Experiment

The $64,000 question among Washington conservatives right now is how Senate majority leader Trent Lott can emerge unscathed from a bubbling controversy over the chemical weapons treaty. The treaty is strongly opposed by Senate conservatives like Jesse Helms and Jon Kyl, but when they met with Lott last week and pressed him to publicly oppose it, he demurred. Lott also spent 45 minutes discussing the treaty with a group of conservative activists last week, but the meeting only confirmed that the majority leader sees the treaty more as a marker to use in bargaining with the White House than a matter of intrinsic importance. He spent most of the meeting in a defensive crouch and repeatedly referred to how much he had done *last* year to prevent the treaty's passage. Lott is irritated over the pressure being placed on him by conservatives to oppose the treaty and has privately remarked, "I won't be intimidated by Ed Feulner [president of the Heritage Foundation] and Paul Weyrich [president of the Free Congress Foundation]."

Lott already disappointed conservatives by caving in to Senate Democrats and pledging a vote would be held by April 29, the date the treaty goes into effect. But how he'll achieve this remains to be seen. Helms is opposed to allowing the treaty out of the Foreign Relations Committee and has told colleagues that defeating the treaty is a defining issue for conservatives this year. Lott is hoping to get a unanimous-consent agreement to bring the treaty to the floor, arguing that he's won agreement from the administration on most of the disputed provisions.

Yet the remaining unresolved issues are among the most important, and the administration nixed a deal that Lott proposed: He wanted the White House to allow a Senate debate and vote on the administration's proposal to extend the ABM treaty to former Soviet states (also very unpopular with conservatives) in exchange for a Senate vote on chemical weapons. Since the White House said no to that, one alternative would be for Lott to allow the treaty to come to the floor while joining the fight against it. But that would only mollify his increasingly frustrated conservative colleagues if Lott joined the fight vigorously enough to produce 34 votes against the treaty—in which case the administration would pull out. Stay tuned.

Day Care Fakery

The National Institute of Child Health and Human Development's new $30 million study of the effects of

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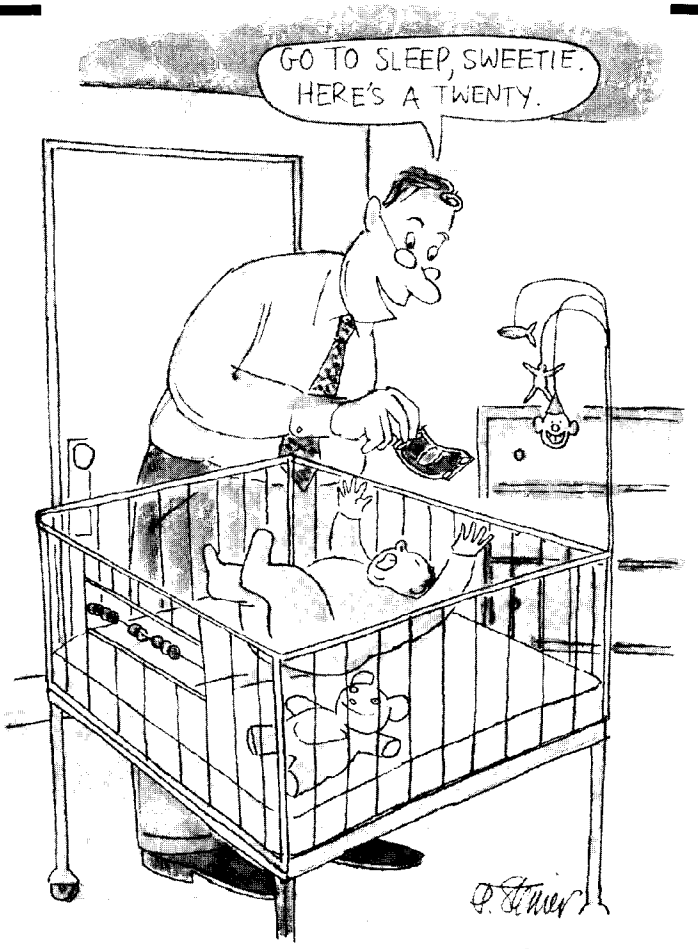

THE YOUNG WEBB HUBBELL

child care on children from birth to three proves very little about child care. But it demonstrates anew that pundits and pols love to seize on social-science findings and "prove" with them exactly what they please.

The authors of the study labored mightily and discovered that—once you set aside the giant, decisive influences on how children do, namely their home life and genetic endowment—the effects of day care are (1) very small and (2) mixed. But watch the headline writers go: "Child Development Enhanced By Good Day Care, Study Finds," the *New York Times* trumpets brightly. "Day care study provides 'cautionary note' to mothers," solemnly intones the *Washington Times*. And bring on the columnists.

Most tendentious of all is first lady Hillary Rodham Clinton, whose column blesses the study in its first sentence as bringing "peace of mind to millions of parents who work outside the home": Children in day care "are just as well off intellectually as children cared for at home by full-time mothers." The column buries the bad news almost halfway through—and then misstates it.

"The study did note," the first lady concedes, "that children who spend a great deal of time in child care tend to have slightly weaker relationships with their mothers." Actually, the study noted this slight weakening of mother-child relationships consistently, among all groups in nonmaternal care, including those in care just a few hours a week.

Given the difficulty of quantifying such things as "positive engagement with mother," exactly what this small but "statistically significant" finding means is unclear—disappointing those who hope the quantifiers will solve our child-rearing dilemmas.

Nyah, Nyah

In this season of hysteria over how campaign-finance laws apply to tax-exempt political groups, it's worth noting that House Speaker Newt Gingrich is not the only one mired in controversy. *Roll Call*, a Capitol Hill newspaper, reported last week that the Federal Election Commission has filed a lawsuit against Public Citizen, the left-wing Naderite advocacy group, charging it with improperly spending $59,200 in an effort to oust . . . Newt Gingrich. The FEC maintains that in 1992 Public Citizen coordinated its expenditures with Gingrich's Republican primary opponent, Herman Clark, which campaign-finance law explicitly prohibits. The money was used in a "Boot Newt" campaign that included television ads and direct mail tarring Gingrich as a hypocrite and labeling him a "sellout." It's going to be a few months before the trial begins, and Public Citizen says it will fight the FEC. With any luck, they'll end up settling for a $300,000 fine.

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Casual

Isn't It Ironic?

Toward the end of March a couple of mourning doves joined the crowd of winter birds eating seed on our back deck, and we knew it was spring. Mourning doves are like robins: They can survive the cold weather without going south, but you don't ordinarily see them around our Connecticut suburb during the winter because they have all withdrawn to the forest to sulk. They are slightly larger than robins and available only in a lovely rose pink over warm brown. Because they have the smooth, swelling lines of a '48 Buick and heads that are three sizes too small, they look like a cartoonist's gentle parody of a bird. They are famous for mournful cooing. We often see a pair settled down side-by-side in a yellow birch with their heads touching (or nearly touching), looking exactly the way doves are supposed to.

I was in a dovish mood this season when the birds showed up because I had just located, finally, the three volumes of Edward Howe Forbush's classic *Birds of Massachusetts*; they were published in 1925, '27 and '29. Volume two includes Forbush's remarkable essay on the passenger pigeon, which used to be more numerous than any other bird in the country; the last one died in 1914. Basically the passenger pigeon was a big mourning dove. In contemplating the dove you can read the pigeon's tragedy in outline. The dove looks amazingly edible—and when you approach, it doesn't take wing; it stays put until the last possible moment, hoping to strike up a conversation. If you walk up to one that is standing on the ground, it cocks its small head sideways and takes you in with a curious and admiring gaze, as if you were the Statue of Liberty or some other important tourist attraction. Doves are very impressed with humans, for some reason.

It doesn't take much imagination to guess the passenger pigeons' fate. They were good eating and (guileless and friendly as they were) easy to take. So they were killed and eaten and they were delicious and that was that. A photograph of the last one—it died in the Cincinnati Zoo—is, in its own way, as moving as any photograph you will ever see. The grainy old picture of the bird in profile, looking hesitantly at the camera, is an image of perfect loneliness.

I wish I could leave it there: The killing and eating of a whole species out of carelessness is a terrible deed, and the nation has been deeply ashamed of it for generations and is determined never to do it again. But nowadays you can't leave it there. I'm no kind of serious bird-watcher but have always been a bird-lover, along with perhaps a hundred million other Americans. Not long ago I was enthusing about a new finch feeder we'd installed when someone told me how surprising it was—he said "ironic"—that I should be fond of birds. After all, I had recently published a piece in the *City Journal* blasting environmentalism. Because there are not many rabid anti-environmentalists on the market, I was immediately drummed into the corps, and am happy to be there. I belong there. But there is nothing surprising in any of this.

Environmentalism today has nothing to do with kindness to animals, which is a species of kindness in general, and can't possibly justify cruelty to humans. But environmentalist bureaucrats are cruel to humans on a regular basis, which goes to show that they are part of the postmodern elite. Today's elite makes a deliberate practice of using Americans' kindness against them, and spells out its intentions in powerful symbols that will define our generation forever. Homes burn in a Los Angeles firestorm because it is essential to preserve the habitat of—a rat. The nation's shame and remorse over its history of judging people by skin color is cynically transformed into a nationwide program of judging people by skin color.

A few weeks ago the latest Biennial opened at one of the country's leading art institutions, the Whitney Museum in New York. There are many gems in the show; for its lobby gallery, the Whitney chose one that is based, thematically, on excrement. The public is pretty dense, after all; the museum felt that perhaps it ought to spell things out in three-inch capitals. Would you like to know exactly what this institution thinks about art? Exactly what it thinks about the paying public? Could we possibly make it any clearer?

I don't claim that the average environmental bureaucrat hates animals the way the Whitney hates art. More likely he couldn't care less about animals one way or the other. I do know that the nation's culture is upside down. I'm not sure we can change it, but we can always put up feeders and watch the birds and forget about it.

David Gelernter

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Correspondence

Harassment 101

In "Sexual Perversity in Washington" (April 7), Richard Starr gave a fitting description of how the Clinton administration's sexual-harassment guidelines flout the civil-rights laws. The guidelines hold school districts liable for a "hostile environment" when students harass one another, even though the Fifth Circuit Court of Appeals recently rejected this idea. Starr, however, overlooked the central flaw of the guidelines: They violate the First Amendment.

Federal courts in Wisconsin and Michigan have repeatedly struck down "hostile-environment" harassment policies in response to First Amendment lawsuits brought by students convicted of "harassment." On March 17, the Supreme Court let stand a ruling in Los Angeles that a college's sexual-harassment policy was unconstitutionally vague as applied to a professor whose lectures about pornography and obscenity created a "hostile environment."

Thanks to the Clinton administration, college administrators now face trouble no matter what they do. If they restrict what is considered "harassing," they risk a First Amendment lawsuit. But if they allow it, they risk having the Clinton administration cut off their federal funds.

HANS BADER
WASHINGTON, DC

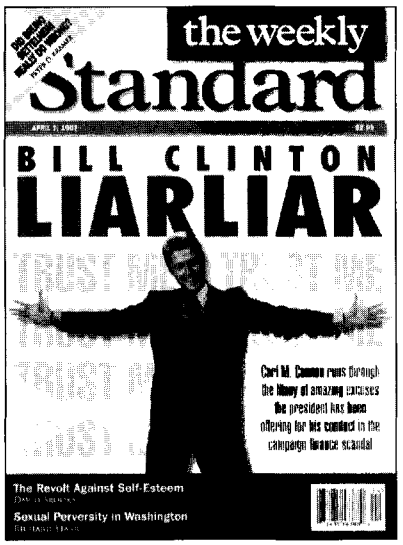
One Amazing Tire Change

I read with great interest Jay Nordlinger's account of his recent heroism, and I write to express my awe at this feat.

I remember my own sense of dislocation, when, after being parentally forced to pursue a college-prep high-school curriculum, I found myself an enlisted Air Force firefighter. Ah, the many challenges: washing and waxing huge fire trucks, checking fluid levels, and installing a license plate! But I persevered and learned a lot, and recall those days fondly, now that I am a lawyer.

I remember well an untidy high-school classmate, non-college prep, whom I met 20 years later. "And what did you end up doing?" I asked. He replied, "I didn't get as far as you. I am kind of busy though; I just bought my fifth gas station. Say, do you have a card? I might need another lawyer."

EARLE WINGATE III
AUBURN, NH



Stick It to Stern

I liked a lot of things about John Podhoretz's article on Howard Stern, particularly the lack of a sycophantish tone and the news that Stern's movie is flopping ("Howard Beached," April 7).

Howard Stern may have a winning personality, but he's also a guttersnipe and a menace. He appeals to people who have dirty minds, who want society to be as dirty as they are, and who are glad to erode barriers of decency. Why should we allow our society to be shaped by the lowest standards of decency and by the nastiest people?

LARRY EUBANK
BLOOMINGTON, IN

On the Sidney Record

Regarding "Sid Vicious" (Scrapbook, March 24): Anyone with a sense of history, ethics, or a brain knows about Sidney Rodham Blumenthal. Years ago (before he fell in love with Bill Clinton), it was revealed that while a scribe for the *Washington Post*, Sidney favorably reviewed a speech given by his former heartthrob Gary Hart at Brandeis University. Sidney didn't reveal at the time that he had helped write the speech for Gary.

CRAIG P. SHIRLEY
ALEXANDRIA, VA

A Little-Known Fact

In Molly Magid Hoagland's account of the Holocaust ("Persecution, Day By Day," March 31), she failed to comment on one interesting aspect of German persecution of the Jews: the use of "gun control" laws. As Hitler took power, he passed more and more restrictive anti-gun laws, which were only enforced against Jews and other unfavored minorities. The infamous "Crystal Night," a night of rape, murder, rioting, and anti-Jewish looting and vandalism, began under the pretext of a supposed search for guns held by Jews.

DANIELLE THORDERSEN
LOS ANGELES, CA

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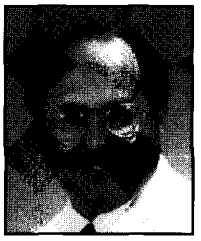

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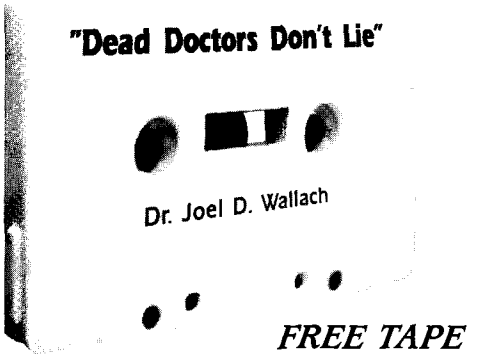

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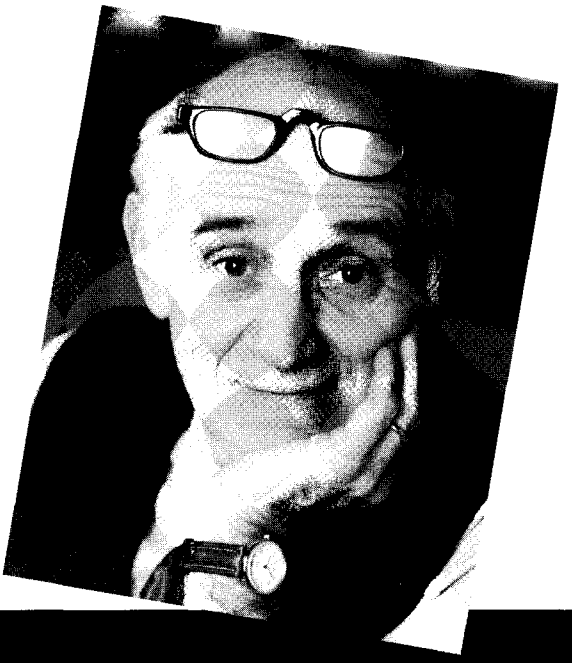

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the weekly Standard

No Favors for China

This was supposed to be a banner year for America's China boosters. The plan was for the Clinton administration to hammer out an agreement for China's accession to the World Trade Organization, maybe in time for a Rose Garden ceremony with President Jiang Zemin this fall. That deal would confer on Beijing the prestige it wants as a full-time player in major-league international economics—and magically transform the Chinese market into a free and orderly system in which U.S. corporations could make lots more money. Then, in honor of this "transformation," the United States would grant Beijing permanent "most-favored-nation" status.

Annual review of MFN status, which lowers tariffs, would finally be a thing of the past. There would be no more embarrassing congressional debates about the pestilential reality of Chinese communism—and about U.S. corporate and diplomatic complicity therein. Warm normalcy would envelop Sino-American relations. At long last, the two countries could get down to business. Literally.

But things haven't worked out this way. There is no World Trade Organization deal. So far, the Chinese refuse even to pretend they're willing to observe the free-market norms required for membership. Here, as elsewhere, Beijing intends the world to bend its way; other people's rules be damned. And they don't much care who knows about it. In full public view, the Beijing politburo is systematically stripping the flesh off Hong Kong's civil liberties, even before the British crown colony's reversion to Chinese sovereignty on July 1. Last week, the Danish government bravely sponsored a U.N. resolution critical of Chinese human-rights practices. The resolution was doomed from the start by European cowardice and weak American support. But Beijing's foreign ministry nevertheless went out of its way to compare Denmark to a fragile "bird"—and promised that China would wield a "rock that smashes on the Danish government's head."

Then there is the matter of China's apparent illegal financial interference in last year's U.S. elections. American business groups aren't happy about this latest controversy, which—on top of all the other bad recent Beijing p.r.—guarantees what they'd hoped to avoid: another uncomfortable MFN debate this summer. John Motley of the National Retail Federation mourns China's "ham-handed" manipulation of American politics; "I wish they'd stay the hell out of it," he says. Motley and other well-funded lobbyists are convinced they can perform the same manipulation better, all by themselves. So the U.S.-China Business Council, the umbrella organization of American corporations profiting from trade with communism, is dusting off its standard arguments. Congressional revocation of China's MFN status, the Council insists, would kill U.S. jobs, violate American free-trade principles, and do nothing to improve Beijing's domestic and international behavior. "Substance, substance, substance," Council president Robert A. Knapp advises his members. He's convinced they can win on the merits.

He's wrong. They can't. The merits work against them. The pro-MFN crowd is wrong first about American jobs. True, in recent years China's economy has been growing by leaps and bounds, and rapidly developing countries usually cannot produce enough to satisfy domestic demand—so they tend to be magnets for U.S. exports. And U.S. exports usually create jobs. But not in this case, not to any appreciable degree. China still represents less than 2 percent of the worldwide American export market. Several far smaller Asian nations continue to import more each year from the United States than China does. And there's reason to believe the China market cannot significantly expand any time soon. There remains no sizable Chinese middle class to purchase high-dollar American consumer goods. And near-term Chinese economic growth is expected to slow down, which will further depress American exports.

During last year's congressional MFN debate, business lobbyists claimed that all of the roughly 190,000 American jobs supposedly dependent on trade with China would be at risk should Beijing's favorable tariff rates be repealed. The research that spawned that

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"frightening" number—which remains in circulation this year—is specious. It assumes that higher U.S. tariffs would reduce eastward trade by 40 percent, and that China would retaliate by imposing a *total* embargo on westward shipments and investment. Highly unlikely. The Chinese, as academic Sinologists are always reminding us, are a "pragmatic" and purposeful people. They need our money. And they are meticulously managing their economy so as to keep it.

Which is another reason why U.S. trade with China hasn't produced more jobs: Beijing won't allow it. Americans cannot do business in China without acquiring "trading rights" from the central government. Those rights are granted only when they are consistent with Beijing's established five-year national economic plans, which are detailed on an industry-by-industry basis. Particular deals invariably require U.S. companies to transfer manufacturing technology to China, enter joint ventures with Chinese firms, use Chinese raw materials in their factories, and then sell the resulting products anywhere *except* China. Many American corporations don't mind; low Chinese labor rates reduce their expenses. But they don't wind up "exporting" much of anything. Instead, they simply help develop a domestic Chinese industrial capacity—well more than half of it owned or subsidized by the Communist party—that increasingly competes directly with our own.

This is not "free trade." It is command-economy mercantilism conducted by an aggressive Communist regime, and directed deliberately against the global political and commercial system the United States exists to uphold. Why must we pretend otherwise, and decline ever to retaliate, economically or in any other fashion? Because, say the business lobbyists and the Clinton administration, the Chinese respond only to friendship. To ensure the reform we want from Beijing, we must always be nice. The threat of real American sanctions—anything more than occasional expressions of disappointment with Chinese actions on trade or human rights or weapons proliferation—can, they say, only make things worse.

You hear this over and over again. It is nonsense, really. We have been as nice as possible to Beijing since 1994, and it has got us nothing. Every bit of "progress" commonly cited by China apologists, *every* bit, falls apart on closer inspection. The Chinese do as they will, and mock us for our acquiescence.

It wasn't always so. The last time Congress seriously threatened revocation of MFN, in the aftermath of the 1989 Tiananmen massacre, Beijing did alter its behavior in response to pressure. The politburo was worried we might actually *do* it. So in 1990 they ended martial law. Then they released 600 political prisoners. Then they released another 200. Then they released 100 more. And announced a purchase of Boeing aircraft. And let dissident Fang Lizhi leave the country. The following year, the same pattern obtained. President Bush's veto of MFN revocation was barely sustained in the Senate. Before that vote, still fearing it might lose its MFN status, China promised to ban the export of goods produced by convict labor. China promised to stop illegal textile shipments. China promised better protection of U.S. intellectual property. China promised to boost U.S. imports.

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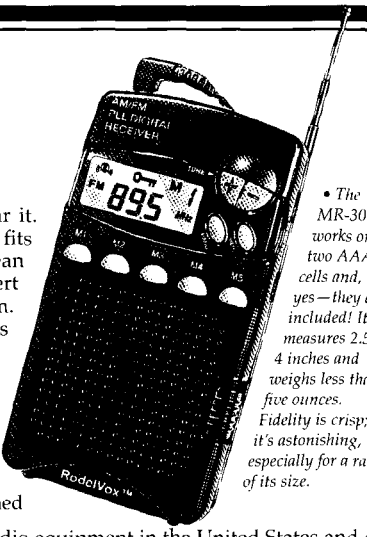

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China finally placed the nuclear reactor it was building in Algeria under international supervision.

Yes, the Chinese are pragmatic. They do respond to incentives and disincentives. But first those incentives and disincentives must exist. At the moment, they do not. Sino-American relations, having been "de-linked" from the question of human rights by the Clinton administration, are no longer linked to anything. It is now all a game of chicken in which the Chinese are allowed constantly to press forward—and only the United States swears never to act "irresponsibly." We announce in advance that at the last minute we will yank the steering wheel, no matter what. And then, for some reason, we wonder why we always find ourselves in the ditch.

Enough, already. MFN may not be an absolutely ideal vehicle with which to penalize China for its persistent outrages. It is, as they say, a "blunt" foreign-policy instrument. But there is no plausible alternative at the moment. The Clinton administration obstinately refuses to link U.S. China policy to anything the Chinese do or fail to do. Linkage must be reestablished; equilibrium must be restored to the relationship between the United States and its most troublesome and persistent challenger. That mission falls to the Congress, by default. China's current most-favored-nation status expires on June 3. President Clinton will act to extend MFN for China. This time—better late than never—Congress should say no.

—David Tell, for the Editors

Bibi Gets the Bum's Rush

by Fred Barnes

White House press secretary Mike McCurry told reporters on April 7 that President Clinton and Israeli prime minister Benjamin Netanyahu get along "almost in a brotherly way." Strange. Clinton, after all, did everything he could last year to keep Netanyahu from being elected. And as often as not, the Clinton administration is at odds with Netanyahu on Middle East questions. Yet McCurry had a point. The president regards Netanyahu as a contemporary. "Clinton talks to Netanyahu just like he talks to Trent Lott," says McCurry—directly, informally, familiarly. When Netanyahu visited the White House in February, he brought his wife and kids. When they conferred in April, Netanyahu asked about Clinton's knee and got a long explanation about the injury.

The bonhomie doesn't do Netanyahu (or Lott) any good. The president is hardly reluctant to criticize Netanyahu's actions publicly. But Palestinian president Yasser Arafat, with whom Clinton is not chummy, is another matter. Clinton never upbraids him in public or brings up his unfulfilled commitments. On the contrary, when the president appeared with Arafat at the White House on March 3, he joined Arafat in zinging Netanyahu's government for building the Har Homa apartment complex in East Jerusalem. It destroys confidence in Israel's intentions and "builds mistrust," Clinton said. He had no critical words for Arafat. A week later, at a press conference with Egyptian president Hosni Mubarak, Clinton took exception once more to Har Homa. Again, no unkind words about Palestinian misbehavior.

Meanwhile, after a bombing in Tel Aviv killed four Israelis on March 21, the State Department disputed Netanyahu's contention that Arafat had given a "green light" to terrorists. And while administration officials (not Clinton) said Arafat must do more to impede terrorism, they also noted approvingly his umpteenth promise to encourage followers to renounce violence. "This is a very strong and important message from Arafat," said State Department spokesman Nicholas Burns. Now, however, a White House official concedes Arafat had at least "flashed an amber light," and an unnamed offical says Arafat shouldn't have released a Hamas terrorist just prior to the bombing. Clinton's line is: "We ought to have zero tolerance for terrorism." He doesn't get specific about who doesn't have zero tolerance now. When Arafat visited the White House in March, neither Clinton nor administration aides made any public comment about Arafat's shortcomings in complying with the Oslo accords.

The unequal treatment of Netanyahu and Arafat matters because it sets the moral terms of the Arab-Israeli struggle on an unfavorable basis for Israel and Netanyahu. It suggests that Israel is the chief roadblock to peace and puts the Jewish state on the defensive. It prompts reporters to ask questions like this one directed at Clinton in March: Given Netanyahu's decision to build at Har Homa, "can you then blame the Palestinians if they should sort of revolt?" (Clinton responded that "it would be a terrible mistake for Palestinians to resort to violence.") And it creates pressure for Netanyahu, not Arafat, to make concessions. The Clinton administration did just that last week when it asked Netanyahu to make confidence-build-

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ing gestures toward Arafat (approve the Gaza airport, allow safe passage between Gaza and the West Bank, etc.). Netanyahu said he would consider these, but not immediately, since that would reward Palestinian terrorism. (Clinton, by the way, did not ask Netanyahu to stop construction at Har Homa.)

What makes Clinton so wary of criticizing Arafat? There are many explanations, none entirely believable. One is that criticizing Arafat would strengthen the hand of more militant Palestinian groups like Hamas. Private pressure, we are told, works better with Arafat. But if that is true, why does Arafat get testy when told privately he must strip the Palestinian charter of its pledge to destroy Israel, as Oslo requires? The truth is that if the administration were to criticize Arafat and acknowledge in public that he is at least partly responsible for the breakdown in peace talks, it would lose leverage—with Netanyahu.

One American leader *is* willing to attack Arafat. House Speaker Newt Gingrich said all the things Clinton won't in a speech last week before the American Israel Public Affairs Committee. "It is clear that Arafat has been unwilling to control terror," Gingrich said. "And frankly, when the Clinton-Gore administration treats with moral equivalence Palestinian violence and Israeli housing, they undermine Israel's security. It is extraordinarily dangerous to always impose the burden on those who are your friends because you're too timid to tell the truth to those who are your enemies."

The Clinton administration is so far from Gingrich's position that it is now pushing privately for Netanyahu to form a "unity" government with the dovish Labor party. In this way, Clinton and his team of Middle East negotiators could reunite with their favorite Israeli politicians despite the decision of the Israeli electorate to deny Labor a working majority.

Of course, Clinton can't push the unity government idea publicly. "If we did, it's dead," says a White House official. The administration would be dismissed as "a shill for the Labor guys." If the shoe fits . . .

Fred Barnes is executive editor of THE WEEKLY STANDARD.

THE POET'S (AMEN) CORNER

by Vincent Carroll

AN INFLUENTIAL POET and progressive cultural icon had died, and thus the obituaries in the *New York Times* and *Washington Post* were unremittingly reverential. At times it was difficult to discern which of Allen Ginsberg's legacies was the more memorable—Was it his prodigious literary output or, as Wilborn Hampton put it in the *Times*, the fact that "he was in the forefront of whatever movement was in fashion"?

Forefront, indeed. Anti-Vietnam War, anti-CIA, anti-shah, anti-Reagan, demonstrations and arrests; Buddhism and "be-ins"; and through it all, of course, the celebration of gay sex. In the midst of this litany, the *Post*'s Richard Pearson felt compelled to employ a bit of good-natured euphemism to describe some of Ginsberg's vanguard predilections. "He was an enthusiastic advocate of questionable pharmaceutical preparations," Pearson delicately observed, continuing in this risible vein by noting that Ginsberg took LSD under the "supervision" of Timothy Leary.

Yet both the *Times* and *Post* failed to give Ginsberg his due. He was in the forefront not only of fashionable movements but the unfashionable as well—although neither paper saw fit to mention it. To be specific, he was a proponent of sex with kids.

Ginsberg was not shy about this outré belief of his. Quite the contrary. He was a truculent defender of the proposition of having sex with youngsters. Consider this 1994 exchange published in the *Rocky Mountain News*, from an interview with Clifford May, then associate editor.

> May: Allen, you still advocate some pretty radical ideas.
>
> Ginsberg: NAMBLA, NAMBLA.
>
> May: NAMBLA, the North American Man-Boy Love Association. In other words, you say it's OK for adult men to have sex with kids.
>
> Ginsberg: You said that.
>
> May: All right, you tell me how to say it.
>
> Ginsberg: NAMBLA is a discussion group, not an assignation group. It was attacked by the FBI and they're constantly trying to set them up after the sleazy Meese Commission decided that pornography increased rather than decreased crime. Actually, people masturbate over pornography. They don't go out and rape people. So they got this guy who organized Citizens for Decency Law. He was the main homophobe on the Meese Commission, which set up a series of police state units which go around to places like Boulder and try and entrap and bust people. And NAMBLA is partly a legal defense and social defense organization.

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May: OK, but let's get this straight. Are you advocating sex between adults and children?

Ginsberg: Well, how do you define children, sir?

May: You tell me how to define children.

Ginsberg: I would say anyone above puberty is OK. As long as it's consensual and nobody complains. But usually it's the cops that rape the kids by brainwashing them and intimidating them so they'll turn against their older friends.

May: Larry [Ferlinghetti], you've got kids. Do you agree with Allen on this?

Ferlinghetti: I agree with him.

Ginsberg: At what age do kids start getting laid on their own?

May: But they can be influenced by an adult in a way they might not be by one of their own.

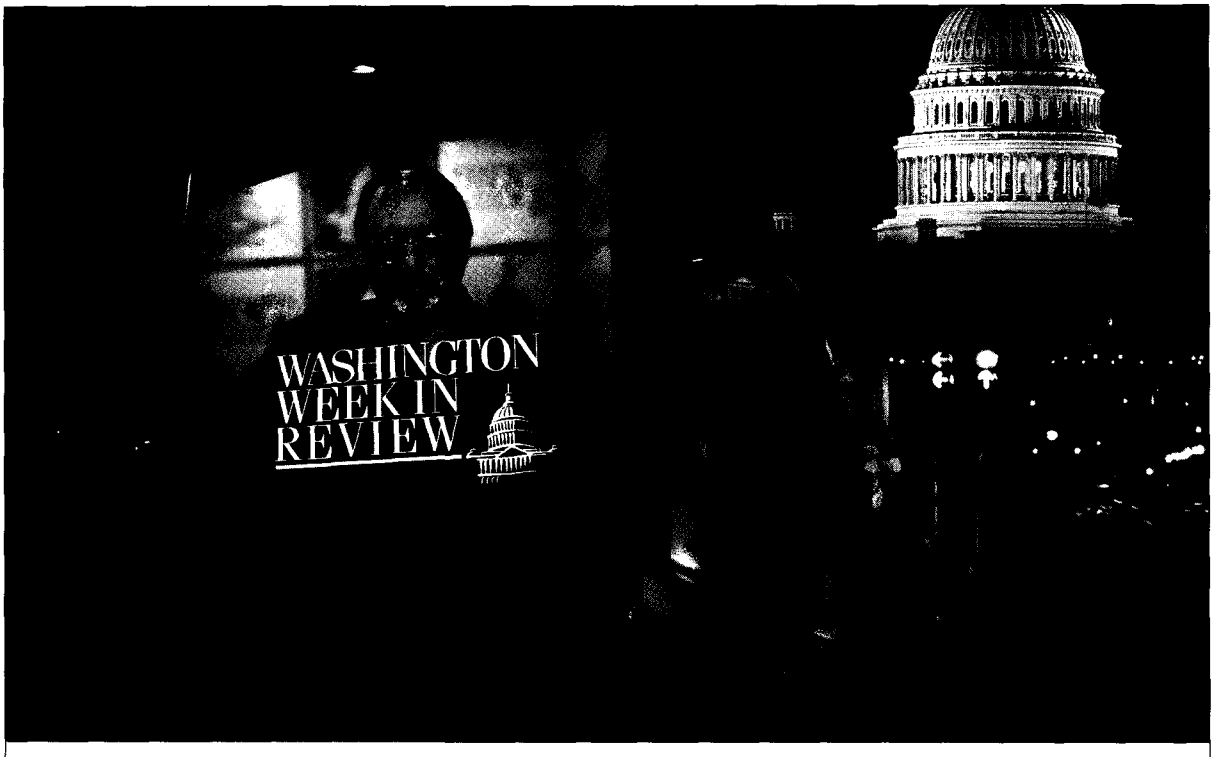
Ginsberg: Sure, yes, and so could a citizen be influenced by Rush Limbaugh. That mind rape is worse.

On this last point—the radical danger posed by popular right-wingers—Ginsberg was adamant. He told an interviewer for the August 1994 *Progressive*, "I have no doubt that if Rush Limbaugh or Pat Buchanan or Ollie North ever got real power, there would be concentration camps and mass death."

Now, every cultural icon can be forgiven his eccentricities—including a patently loathsome conviction or two. But it is interesting when our forbearance extends to the point of whitewash, when our major institutions of record fail to note foibles that would surely have surfaced had the obituary described someone less popular with the intellectual elite.

Allen Ginsberg: extravagant poet, inveterate protester, Buddhist, eroticist, champion of illegal drugs, advocate of child abuse. A man more complicated, it seems, than even his gaping admirers are willing to admit.

***Vincent Carroll is editorial-page editor of the* Rocky Mountain News.**



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LAWYER, HEAL THYSELF

The Curious Case of Richard Ben-Veniste

By Tod Lindberg

The Washington lawyer is the quintessential Washington type. He has the huge house in Wesley Heights or Potomac; the million-dollar partnership bonuses; the Rolodex with *everyone*'s private number; the squad of young associates who do the grunt work and call him Godfather; the easy intercourse with pols and corporate chieftains seeking free advice or high-priced counsel—and, of course, the ego to go with all of the above. He slips and slides in and out and around government, usually making his reputation through political work he can then sell on the open market.

The Washington lawyer comes in a number of shapes and sizes, from the avuncular Bob Bennett, now representing Bill Clinton in the Paula Jones matter, to the cerebral Ted Olson, everybody's favorite Republican litigator. Perhaps the most interesting iteration is the attack dog—an in-your-face, take-no-prisoners type best represented these days by Richard Ben-Veniste.

A partner in the firm of Weil, Gotshal & Manges, Ben-Veniste did a recent tour of public duty as minority special counsel to the now-shuttered Senate Whitewater committee. There he served up enough disdain, contempt, and indignation to fortify the Democratic contention that the whole investigation was an overblown load of partisan hooey. By any measure, he did a good job. It was hardly his first star turn. Ben-Veniste made his reputation in his early thirties as a prosecutor working for Archibald Cox and Leon Jaworski on Watergate. In the course of the legal wrangling over Richard Nixon's secret tape recordings, Ben-Veniste often turned up on the front pages and the evening news.

After such a prominent role in what was one of the titanic legal battles of American history, the rest of a legal career might seem something of a letdown. But Ben-Veniste has never been shy about stepping into the lights, and he may be getting ready for another go-round. His latest high-profile client is Truman Arnold, who was the chief money man at the Democratic National Committee for a critical five-month period in 1995 when the DNC was deeply in debt and reeling from the historic 1994 defeat at the polls. Arnold is also one of the select group of people who put Webster Hubbell on the payroll in 1994 between Hubbell's resignation as the Clintons' man at the Justice Department and his subsequent guilty plea to charges that he had defrauded clients and law partners. Ben-Veniste and his client thus find themselves at the red-hot center—the point where the Whitewater investigation of independent counsel Kenneth Starr and the unfolding Democratic fund-raising scandal are converging.

Ben-Veniste's causes from Watergate onward have been overwhelmingly liberal and Democratic. Indeed, he folded his own private practice to join Weil, Gotshal in 1990 because he was frustrated that the small size of his operation had kept him from taking on a client he really wanted to represent: Jim Wright, the Texas Democrat whose pocket-lining corruption in office cost him his House speakership and political career.

In the lawyering trade, it's considered bad form to judge an attorney by his clients. It's the quality of the representation that counts. By reputation, Ben-Veniste is nothing if not vigorous in that regard—tough and willfully abrasive, a pitiless interrogator, a bold strategist. But certain rules apply even to Washington lawyers. Some of those rules are enshrined in law, some by the canons of the profession, some by convention. And the same quality of representation that has elevated Ben-Veniste into the Washington pantheon—one of the Top 50 lawyers in town, in *Washingtonian*'s reckoning—has also left a distasteful trail of ethical

Tod Lindberg is editorial-page editor of the Washington Times *and a frequent contributor to these pages. His article on the FBI's child-pornography investigation appeared in last week's issue.*

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flotsam stirred up in the wake of his confrontational style. There are questions about the propriety of his conduct toward those who come up against him—and even toward those on his side. And his representation of Arnold raises questions about his compliance with a tough D.C. bar rule regulating government and private employment.

Ben-Veniste would not be interviewed for this article. In a letter, he said he had reached "the conclusion that the article will reflect a preconceived bottom line, regurgitating the sore-loser whining that certain former (and some present) participants in the Whitewater feeding frenzy have put forward from time to time." The rhetoric is vintage Ben-Veniste. Despite his talk of "regurgitation," however, Ben-Veniste's own conduct has gone remarkably unscrutinized—particularly given his own unquestioned ability and willingness to scrutinize his political opponents.

A special counsel to a congressional investigative committee is supposed to be a fact-finder first and foremost. But Richard Ben-Veniste's curiosity about the facts of Whitewater seems to have been a bit selective. In particular, he seems to have gone into overdrive to try to shut down what may have been the most potentially damaging line of inquiry Republican investigators were pursuing.

On February 7, 1996, majority counsel Michael Chertoff posed a series of eerily prescient questions to Webster Hubbell in a televised hearing before the Senate Whitewater committee. Chertoff asked Hubbell, who had been brought up from prison in Maryland to testify, about his employment prospects following his release from prison.

"Are you familiar with a group called the Lippo Group?" Chertoff asked. This was the first public inquiry into a matter that would, seven months later, break out into the Clinton campaign-finance scandal. In February 1996, no one outside the financial community knew much about the Indonesian conglomerate run by Mochtar Riady and his son James. And no one outside the Clinton Arkansas circle knew much about the many, many connections between Lippo and the Clinton crowd—connections apparently based on the flow of Lippo-linked cash into Democratic political operations and rewards for it from the Clinton team in the form of access and influence.

Hubbell responded that an affiliate of the Lippo Group had been a client of his between his resignation from Justice and his guilty plea.

"Did you have other clients?" Chertoff asked.

"Yes," Hubbell replied.

When Democratic senator Paul Sarbanes asked Chertoff what the relevance of all this might be, Chertoff said he was interested in knowing whether the money Hubbell received "may have had an impact on your degree of cooperation with the independent counsel or with us." (At Hubbell's sentencing after his plea agreement, Whitewater independent counsel Kenneth Starr had asked for no leniency—a clear signal that Starr didn't believe Hubbell was cooperating fully with his investigation.)

Hubbell protested vigorously, and committee chairman Alfonse D'Amato ruled that any further questions along these lines would be addressed in private depositions.

Who knew any of the details of Hubbell's financial arrangements? As we have since learned, a lot of people knew, and a lot of people were involved. Former White House chief of staff Mack McLarty and current chief of staff Erskine Bowles had called around to their friends in 1994 to try to find work for Hubbell. White House official and longtime Clinton fixer Bruce Lindsey knew Hubbell was working for Lippo. Now it appears the president and Hillary Clinton may have known as well. Hubbell even visited them at Camp David in this period, and he also met with another longtime Clinton insider working at the White House, Marsha Scott. Then, of course, there were all those (starting with the president himself) who knew just exactly how important the Lippo Group was.

Some Democrats may have had an inkling, but Republican staffers on the Whitewater committee, sources say, had no idea what a gold mine Chertoff had stumbled onto. Which is where Richard Ben-Veniste comes back in.

It wasn't until June 1996, about a week before the Whitewater committee's authorization would run out, that Republican investigators returned to the question of Hubbell's employment. Ben-Veniste put on an extraordinary show during a deposition of Bruce Lindsey in which he acted more like a defense counsel than an investigator, trying to run out the clock on an inquiry due to close up shop a week later.

Robert Giuffra, Jr., the committee's chief counsel, wanted to ask Lindsey what conversations he might have had with Lippo officials or others about Hubbell's financial circumstances and his employment in 1994. According to deposition transcripts (neither Giuffra nor Chertoff would comment for this article), Giuffra began by asking, "Which members of the Lippo Group have you had discussions with since January 20, 1993?"

Minority counsel Neal Kravitz instructed Lindsey not to answer the question. He argued that the ques-

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tion was outside the scope of the committee's mandate. Giuffra said Kravitz was seeking to narrow the mandate unfairly. "The committee is trying to ascertain whether the business relationship in some way has impacted upon what [Hubbell] has testified to before both the Senate and perhaps other forums," Giuffra said. "But to ask the simple question who he spoke, who Mr. Lindsey spoke to hardly seems to be going into a giant fishing expedition."

At this point Ben-Veniste stepped in. "Now there is a substantial difference of opinion as to the relevance of this matter, even as regards to Mr. Hubbell," he said. "To now expand this into some general inquiry inviting everyone who comes here to be questioned about this wholly collateral matter is inappropriate. "

Lindsey went on to answer several narrower questions about Hubbell, but when Giuffra asked about any conversations Lindsey might have had about Hubbell's financial difficulties, Ben-Veniste shut the line of questioning down again.

> Giuffra: After Mr. Hubbell left the Department of Justice, did you ever have any conversations with anyone about financial difficulties he was experiencing?
>
> Ben-Veniste: Let me suggest this—
>
> Giuffra: Let him answer the question before you—
>
> Ben-Veniste: Let me suggest this. If you want to go into this area, you will get a ruling from the chairman. . . . I'm simply going to ask the witness not to involve himself in answers to questions where the subject matter is totally collateral to what he was advised he was coming here for. If you want to get the chairman to make a ruling on that, I'm prepared to discuss it.
>
> Giuffra: We have had testimony elicited that with regard to the Lippo Group that Mr. Lindsey had various information. The questions I'm asking go directly to that testimony. The whole subject of the Lippo Group is clearly relevant. The chairman believes it's relevant. The majority believes it's relevant. The minority may have a different view. We can get a ruling from the chairman. I want to have it on the record that Mr. Lindsey, you will be available to answer more questions about this once we get the ruling.
>
> Ben-Veniste: We will take the ruling first, scheduling second.
>
> Giuffra: No, I want to make sure he is available to answer the question. I know you want to—

And so on, for six more pages of transcript.

The transcript is altogether a remarkable document—not because of anything *Lindsey* said, but because it shows Ben-Veniste doing everything he could to shut down Giuffra's line of inquiry. Says a Democratic staffer who professes admiration for Ben-Veniste's performance in general, "When the administration was on the ropes, he'd throw them a life raft."

After the wrangling, D'Amato ruled that the four questions Giuffra tried to ask were indeed relevant. That afternoon Lindsey answered Giuffra's questions, and it turned out that Giuffra had hit pay dirt. Among the people with whom he had discussed Hubbell, Lindsey reported, was one John Huang. This was the first time Huang's name had come up, and, in a few months' time, the Lippo executive turned Commerce Department official turned Democratic National Committee fund-raiser would become the hinge figure in the Clinton campaign-finance scandal.

The depositions took place on June 8, 1996. The Senate Whitewater committee went out of business June 15. The relevance of the payments to Hubbell is no longer a matter of dispute. Nor is the relevance of the Lippo Group or John Huang. They have been the subjects of front-page headlines in all the major newspapers for months. They might have been so in June 1996 had Ben-Veniste devoted half as much energy to the pursuit of this line of inquiry as he did to shutting it down.

In their 1977 book about Watergate, *Stonewall*, Ben-Veniste and co-author George Frampton, Jr. described Ben-Veniste's previous brush with celebrity by noting that Leon Jaworski and others

> were troubled by the fact that Ben-Veniste . . . had reaped such a huge amount of personal media coverage. Ben-Veniste's direct and irreverent personality was unlikely to assuage the special prosecutor's concern, particularly given the not inconsiderable ego possessed by Leon himself. Jaworski did not doubt our abilities; he just didn't fully trust the maturity of our judgment.

It takes an interesting sense of self to write autobiographically in both the third person *and* the first-person plural. A Democratic staffer describes Ben-Veniste's ego as "well in the mainstream of high-profile Washington lawyers."

Opposing counsel usually aren't so kind. They think his behavior toward witnesses and others betrays a bullying manner bordering on abuse. Says one: "The way he comports himself is obnoxious and unprofessional."

Ben-Veniste's most outspoken critic is Mark R. Levin, the president of the Landmark Legal Foundation; Levin charges that Ben-Veniste's conduct toward one of Levin's clients, Jean Lewis, was outrageous. And Levin is right.

Lewis was the federal banking investigator who

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first started looking into the connection between the Clintons and a failed savings and loan whose owner was their partner in the Whitewater real-estate development. She filed criminal referrals mentioning the Clintons as witnesses and "possibly more than" witnesses. Democrats maintained that her investigation was driven by her political bias against Clinton. As one piece of evidence, they produced a February 1992 letter that predated her investigation in which she referred to candidate Clinton as a "lying bastard."

Levin says the way Ben-Veniste's minority staff developed this particular evidence of bias was tainted. The committee had issued a subpoena for "all records, regardless of format" related to Lewis's investigation. But the subpoena did not encompass *everything* Lewis may ever have said or written about Clinton, and so she deleted some material she deemed irrelevant from a computer disk before she turned it over to the Whitewater committee. Among the deleted material was the "lying bastard" letter, which was not a lengthy dissertation on Clinton, but a letter to a friend.

A DEMOCRATIC STAFFER DESCRIBES BEN-VENISTE'S EGO AS "WELL IN THE MAINSTREAM OF HIGH-PROFILE WASHINGTON LAWYERS."

Producing such a disk was highly unusual in itself. Most people faced with similar subpoenas, staffers say, turned over only paper records, not electronic records. Says one majority staffer, "We asked the White House for disks, they laughed at us." Lewis's scrupulousness in turning over materials "regardless of format" would cost her.

Minority staff, by means that have yet to be explained, restored the letter Lewis thought she had erased—and did not tell majority staff what they had found or how they had found it. Instead, Ben-Veniste sprung the "lying bastard" remark on Lewis at a hearing. At first, she couldn't even place it, but when she did, she was alarmed; the letter featured derogatory remarks about a family member's veracity, which Ben-Veniste forced her to talk about on national television.

At the end of the hearing, Lewis had to be rushed off to a hospital; the stress had caused her blood pressure to skyrocket. Ben-Veniste had previously shown Lewis he would not be shy about inquiring into her private life. In one deposition, he had asked her the following questions unrelated to Whitewater: "Was there a fraud trial associated with some business matters in which you or your former husband was involved? . . . Were there any allegations made in connection with that general matter that you had made false or misleading statements?" Lewis said no.

Levin claims that Ben-Veniste's efforts to restore the deleted letter were a violation of Lewis's Fourth Amendment rights and an abuse of the subpoena process. He got nowhere with the Senate Ethics Committee, whose membership is equally divided between the two parties. "The Senate Ethics Committee obviously couldn't muster a majority vote to condemn the conduct," Levin says, "but I don't need the Senate to tell me when a lawyer is conducting himself in a sleazy manner."

The Ben-Veniste style may not be directed only at adversaries. In 1993, a young female associate left the Weil, Gotshal litigation department Ben-Veniste runs after only eight months with the firm. She went on to file a sex discrimination and harassment suit naming Ben-Veniste as a defendant, citing the hostile environment toward her in the litigation department. Sources say the case was settled about two years later for an undisclosed sum. As part of the settlement, the entire case has been placed under seal, and the parties are bound to remain silent. ("I can't talk about that," the lawyer who filed the case says; she is now an associate in the Washington office of a large New York firm.) The details of the allegations involving Ben-Veniste have essentially been obliterated from the public record, consigned to a part of the U.S. justice system that remains secret.

Pushing the envelope is nothing new for Ben-Veniste. In *Stonewall*, he describes the tense environment in the week before Nixon ordered the firing of Watergate special prosecutor Archibald Cox (the "Saturday Night Massacre," as it came to be known). Lawyers on Cox's staff were very much uncertain what their future held. They were quite certain, however, that Nixon had engaged in a criminal conspiracy to cover up the Watergate break-in. To their minds, the question was how far a president and an administration that had come unmoored from the Constitution and the rule of law would go to stay in power.

Then, the hammer came down: Cox was out, and the FBI arrived at the special prosecutor's offices to confiscate documents. Either Nixon didn't think to order that Cox's staff be fired as well, or the order got lost in the chain of command; in any case, the junior prosecutors who were working on the case stayed on.

But had they been fired, Ben-Veniste and his co-author note, they were ready: "Actually, copies of all

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potentially explosive documents had . . . been removed for safekeeping several days before. On the previous Thursday evening, members of the Watergate Task Force had made copies of key prosecution summaries and memoranda and spirited them away."

Desperate times evidently require desperate measures, even if what you are doing runs the risk of violating rules governing grand jury secrecy and other prosecutorial conduct.

Ben-Veniste's decision to represent Truman Arnold, the former DNC finance chairman, in matters relating to the campaign-finance scandal raises questions about the lawyer's compliance with a key rule of the Bar Association of the District of Columbia.

Rule 1.11 of the D.C. Bar Association's Rules of Professional Conduct governs "successive government and private employment." It reads in part: "A lawyer shall not accept other employment in connection with a matter which is the same as, or substantially similar to, a matter in which the lawyer participated personally and substantially as a public officer or employee." The rules also note that this "absolute disqualification of a lawyer from matters in which the lawyer participated personally and substantially carries forward a policy of avoiding both actual impropriety and the appearance of impropriety."

Recall what happened when the Senate Whitewater committee's majority counsel began making inquiries into the money received by Webster Hubbell. Ben-Veniste worked to block inquiries into Hubbell's employment on the grounds that they were beyond the scope of the committee's investigative jurisdiction. Now Ben-Veniste is representing Arnold, who *did* employ Hubbell. Is Ben-Veniste in violation of the D.C. bar code because he has accepted "employment in connection with a matter which is the same as, or substantially similar to, a matter in which the lawyer participated personally and substantially as a public officer or employee"?

This is a serious matter. In fact, the D.C. bar counsel recently came down like a ton of bricks on former Bush State Department counsel Abraham Sofaer in relation to his conduct following the bombing of Pan Am Flight 103. At the time Sofaer served in the State Department, the chief suspect was Iran. Sofaer was not much involved in the investigation. After he left office, the focus of suspicion shifted to Libya, which then retained Sofaer. *Washington Post* columnist Jim Hoagland wrote damningly about the matter, and though Sofaer quickly dropped his Libyan client, the bar counsel took his representation of Libya as a clear violation of its rule. Sofaer's appeal is still pending.

Edwin Williamson, a former legal adviser to the State Department who has filed an amicus brief in support of Sofaer, says Ben-Veniste's representation of Arnold gives rise to far more serious questions. The bar has set three conditions to establish a violation. First, the matter in question has to involve a specific party. "An investigation into Hubbell's legal fees for possible wrongdoing," says Williamson, a partner in the law firm of Sullivan and Cromwell, "would clearly be a matter involving a specific party or parties."

Second, it has to involve the personal and substantial participation of the lawyer. "If Ben-Veniste played an important role in deflecting the committee's further investigation into the source and purpose of Hubbell's fees," Williamson says, "that would clearly constitute personal and substantial participation in the 'particular matter.' " Third, the subsequent matter has to be substantially related. "His representation of a payer of Hubbell's fees," Williamson says, "would be the same as or 'substantially related' to the 'particular matter' in which he 'personally and substantially participated' while he was minority counsel."

Stephen Gillers, a professor of legal ethics at New York University, emphasizes that nothing so far constitutes proof of a violation of the bar rule. On the other hand, he notes, "If Ben-Veniste's work as a government lawyer encompassed payments to Hubbell, then [the bar rule] wouldn't allow him to represent someone being investigated for payments to Hubbell."

But, Gillers notes, the involvement in the first instance "has to be hefty," not just a matter of something crossing a desk or, as perhaps in this case, a manifestation merely of a general effort to circumscribe the majority's exposure to information by interpreting the committee's reach narrowly. "The conclusion depends on the minutiae," Gillers says. One would have to know whether Ben-Veniste strategized with others on the question of how to deal with payments to Hubbell.

Given that the bar counsel moved decisively to investigate Sofaer, don't the circumstances of Ben-Veniste's representation of Arnold warrant an inquiry? "That's the bar counsel's decision," Gillers says.

So it is. And it will, indeed, be interesting to see whether the liberal, overwhelmingly Democratic D.C. bar comes down on liberal Democrat Richard Ben-Veniste with the same fury as it came down on conservative Republican Abraham Sofaer. Or if that old pattern going back to the Watergate days will continue to assert itself—with Richard Ben-Veniste as a force unto himself, the righteous doer of partisan Democratic deeds, and never mind such petty concerns as fair play or appropriate conduct. ♦

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THE LIBERTARIAN TEMPTATION

By David Frum

On its bad days, the conservative movement is beginning to look like the French Third Republic. Premier Gingrich teeters daily on the verge of collapse as whispers of coups and counter-coups flutter round him. At the rostrum, the supply-siders are accusing deficit hawks of wrecking the Republican party. In the aisles, the secular social conservatives are nervously edging away from the religious social conservatives. In the cloakroom, proponents of Catholic natural-law theory are glowering at old-fashioned defenders of judicial restraint. And in the café around the corner, the paleoconservatives are deep into the fifth glass of Pernod, bellowing that they can lick any man in the joint.

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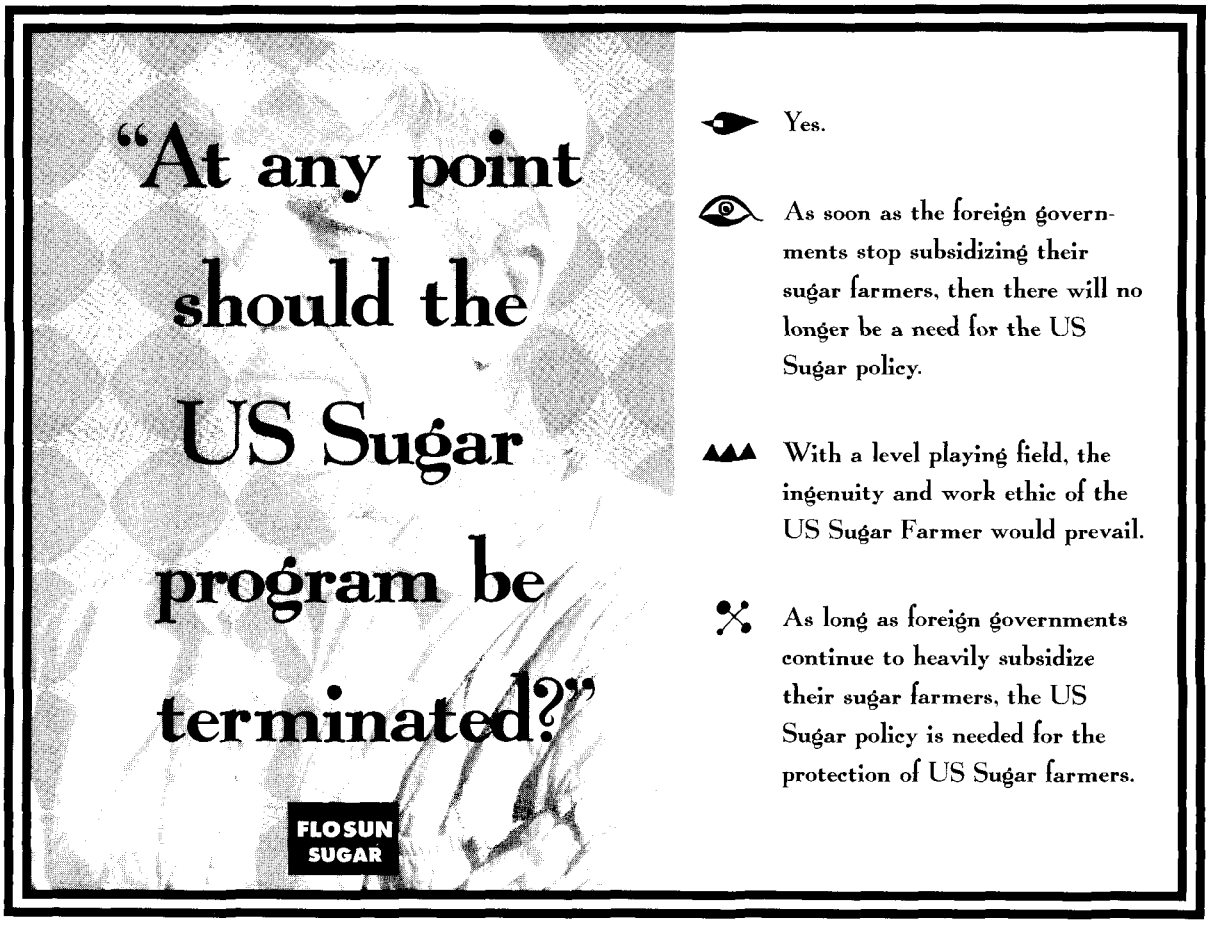
As if all of this weren't rancorous enough, the April issue of *Reason*—the house organ of the libertarian movement—has just arrived in the mail, full of stinging remarks about non-libertarian conservatives. Virginia Postrel, *Reason*'s editor, complains, for example, that THE WEEKLY STANDARD "sprinkles the word 'libertarian' almost randomly, as an all-purpose epithet" and accuses the magazine of being "the New Democrats' best friend." *Reason* contributing editor Walter Olson suggests that THE WEEKLY STANDARD provides evidence that many conservatives are beginning to regard libertarian beliefs as "little better and in crucial



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respects perhaps worse than the loathed ideas of the liberal Democrats."

Are such charges justified? It's hard for people associated with THE WEEKLY STANDARD to reply in a way that would seem appropriate. But then, perhaps it does not matter whether the specific bill of impeachment presented by *Reason* has merit or not. For in a larger sense, the folks at *Reason* are indeed right: The relationship between libertarians and conservatives, never easy, has deteriorated markedly over the past few years. Things may not have sunk quite as low as when Whittaker Chambers claimed to hear in the novels of Ayn Rand a voice "from painful necessity commanding: 'To a gas chamber—go!'" or when Ronald Hamoway, reviewing the first decade of *National Review* in the *New Individualist Review*, blasted William F. Buckley and his co-editors for plotting to reintroduce the burning of heretics. But they are bad enough.

This is unfortunate, to say the least. The libertarian and traditionalist wings of conservatism have never coexisted comfortably, but that has not made them any less indispensable to each other. On their own, libertarians are in danger of devolving into sectarianism. Conservatives, on the other hand, live in perpetual danger of being tempted into nostalgia. These dangers are nowadays arising in especially acute form. All too many conservatives seem to be flirting with communitarianism, a political movement that disguises its disturbing—and profoundly *un*conservative—intentions in vaporous thought and bad writing. And all too many libertarians have begun to wonder whether, with statist economics temporarily in eclipse, they might be able to jettison their stodgy old conservative associates for some glitzy new allies on the "lifestyle left."

ALL TOO MANY LIBERTARIANS HAVE BEGUN TO WONDER WHETHER THEY MIGHT FIND SOME GLITZY NEW ALLIES ON THE "LIFESTYLE LEFT."

Let's clear up something at the outset: The acrimony between libertarians and social conservatives is not the same thing as the much-reported split between the Republican party's so-called economic conservatives and its social conservatives. The big Republican donors who delivered the Republican nomination to Bob Dole in 1996 resemble libertarians about as much as they resemble vegetarians. Libertarians hate the National Endowment for the Arts every bit as much as any Christian fundamentalist. They take the Second Amendment as seriously as the First or Fourth. They cannot be assumed to be pro-abortion (some are; others aren't).

On the issues that most acrimoniously divide libertarians from social conservatives—drugs, defense spending, obscenity, trade, immigration, marriage and divorce—the Republican business establishment tilts to social conservatism on the first three, and to the libertarian position on the latter three. "Libertarian vs. social conservative" is a battle that overlaps with "business vs. social conservative," but is not the same.

Indeed, psychologically, libertarians and social conservatives resemble each other more closely than either sort of conservative resembles a Team 100 member. Both feel estranged from the Republican "establishment." Both are in politics for idealistic rather than practical purposes. And both prefer conflict to consensus.

As they are again now demonstrating. Over the past five or six years, social and religious conservatives have taken gleeful pleasure in an increasingly emphatic rejection of free markets and limited government. Patrick Buchanan rocked the Republican party with two presidential campaigns that attacked free markets—first abroad, then at home—with increasing vehemence. (In the 1996 Iowa caucuses, he went so far as to denounce large-scale pig farming.) Family Research Council president Gary Bauer has printed articles warning he will go AWOL if the Republican party gets serious about Social Security privatization. And generally you hear more and more of the ambient snarkiness toward economic freedom quoted by *National Journal* in January, in which Bill Bennett worried that "unbridled capitalism is a problem . . . for human beings" and the National Fatherhood Initiative's Don Eberly complained that "decadence is brought to us by the marketplace." "I am," Eberly went on to announce, "anti-Wal-Mart."

Libertarians, for their part, have taken equal delight in tweaking conservative sensibilities. They have long regarded themselves not as a faction of a larger conservative movement, but as a distinct "third way" between conservatism and liberalism, bound to the rest of conservatism only by tactical considerations. In the early 1990s, some of them even succumbed to the bright idea that an equivalent tactical alliance might be formed with centrist Democrats. This seems to be what Bush White House aide James Pinkerton had in mind in his 1995 book, *What Comes Next*, which proposed a new formula: a combination of

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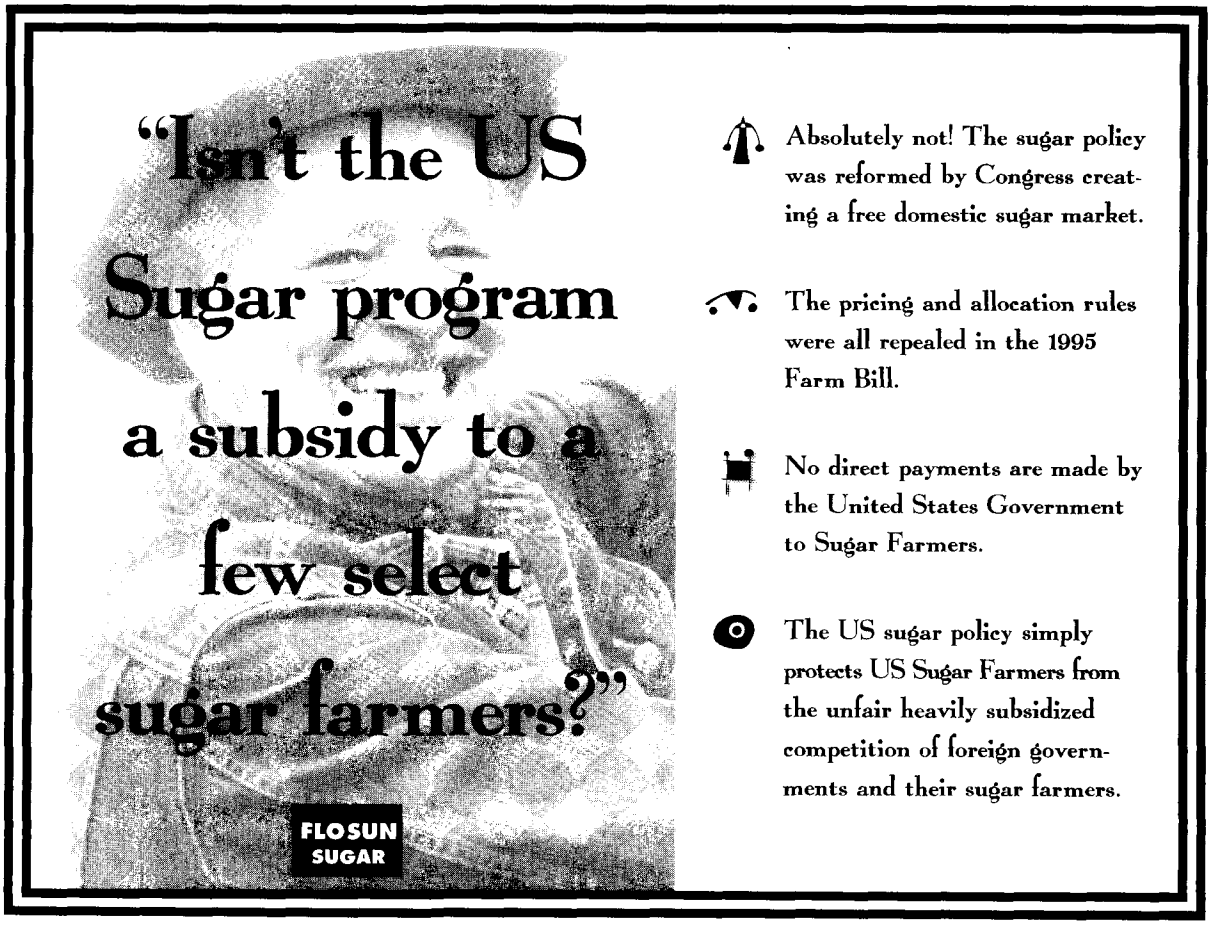
social permissiveness, workfare, and decentralized government.

Ed Crane, president of the Cato Institute, went one step further. In 1993 he edited a book that attempted to repackage libertarianism as "market liberalism," the perfect ideological cocktail for the post-Soviet era. As for snarkiness, the libertarians are every bit as capable of it as the social conservatives: Crane's gifted lieutenant, David Boaz, snipes in his new book, *Libertarianism: A Primer*, that "conservatives want to be your daddy, telling you what to do and what not to do."

The good news is that this feud wouldn't be happening if liberalism weren't in so much trouble. This is a squabble over the spoils of victory. If the social conservatives are getting an ear for their criticisms of economic freedom, it may be because they have succeeded in attracting a large new lower-middle-class constituency to the Republican party, a constituency more fearful of the bumps and shocks of the free market than the traditional Republican voter.

And if some non-libertarian conservatives are indulging themselves in visions of a new era of conservative social engineering, one important reason may be the astonishing conservative success in enacting the 1996 welfare reform. More and more conservatives are beginning to fear that welfare reform might lead to a wave of horror stories that will discredit conservatism for a generation. This fear has prodded them to look sympathetically at all sorts of proposals to encourage private and church groups to step into the role the federal government has just vacated. Ed Crane may well be right when he cautions that "you're making a serious mistake if you think you can use the state to secure the institutions of civil society." Actually, he almost certainly is right. But the powerful sense of responsibility that has led conservatives like Arianna Huffington, Dan Coats, and Bill Bennett to want to try to use the state in this impossible way is surely admirable, even if misplaced.

On the other hand, while the circumstances of the moment have shaped the present quarrel, the quarrel's fundamental cause runs much deeper. Back in the 1950s, when a self-conscious American conservative movement first began squabbling over ideological



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issues, the *National Review* columnist Frank Meyer proposed a famous formula to paper over the differences that existed even then between libertarians and social conservatives. He contended that it was government, and especially the federal government, that should be blamed for American moral decay. It was activist federal judges who were banning prayer from the schools, busybody public-school teachers who were indoctrinating young people with ideas of sexual revolution, city planners whose highways and public-housing projects shattered cohesive urban neighborhoods and paved over small towns to construct subdivisions. Curb government, and you'll have accomplished most of what social conservatives aim for. "In a conservative society," Meyer promised, "libertarian means will achieve traditionalist ends."

The Meyer formula was in many ways too glib, but it wasn't wrong. This used to be a very socially conservative country. As late as 1967, only 5 percent of American college students had ever smoked marijuana. In 1972, with the sexual revolution sweeping America's campuses, half of all Americans still believed premarital sex to be always or almost always wrong. Divorce was no more common in 1966 than it had been in 1926; church membership and confidence in the institutions of government were near their all-time peaks; and television and the music industry adhered to standards with which the Edwardians would have been comfortable. At the same time, the socially conservative America of the mid-1960s was equally politically liberal. In the age of William Scranton and Nelson Rockefeller, Lyndon Johnson and John Lindsay, the idea of Russell Kirk-style conservatives exercising national political power seemed fanciful, to put it mildly. Under the circumstances, Meyer's libertarian wager seemed to offer attractive odds.

But today it's not so clear that the American people, left to their own devices, will behave in ways that a conservative would consider "virtuous." In fact, a disconcerting minority of them will choose to smoke marijuana, get pregnant out of wedlock, major in basketweaving at college, wear T-shirts with obscene messages on them, watch too much television, live on welfare, burn the flag, and play their boomboxes too loud.

And it's easy to imagine that the free market seems to be egging them on. A generation ago, social critics were attacking big corporations for imposing a suffocating conformity—the life of the "man in the grey flannel suit"—on American society. Today, conservative social critics watch in horror as an ever more specialized market brings us not only mango tofutti ice-cream substitute, cranberry-colored sports-utility vehicles, and combined wine-tasting and spelunking holidays in Castile, but also gangsta-rap compact discs, the Jerry Springer show, and topless pictures of Jenny McCarthy on the Internet.

There's a good—even convincing—libertarian answer to this, and Walter Olson argues it well: a free society can, through criticism and shame raise its standards without "calling in the cops."

> It's a big country (and, as regards the Net, a big world), and diagnosing its cultural ills on the basis of the worst you can dig up in its darkest corners will yield far from a balanced picture. . . . Trash TV is a blight, but the effects of justified ridicule are beginning to show even there, while the film reaction against [Quentin] Tarantino is satisfyingly underway. Rap music has seen a sharp fall-off in market share in recent years, while interest mounts in retro categories, including lounge and Tin Pan Alley. Even as [Robert] Bork reproached Americans—from the best-seller list—with having created perhaps the most depraved society in human history, the number-one box-office draw was, for better or worse, *101 Dalmations*.

But there's also a bad libertarian answer, and it's the one *Reason*'s Postrel reverts to. As she sees it, and she's not alone, respecting the free actions of individuals means not only tolerating bad choices; it means rejecting the very idea that any lawful choices can be called bad—and not just called bad by scattered individuals, but condemned by that mysterious thing we call society. "The market has no boss," she writes triumphantly.

> It's unpredictable and contradictory. It lets Americans spend $8 billion a year on pornography and $3 billion in Christian bookstores (not including sales of Christian books in secular chains). It permits both *The Book of Virtues* and Nine Inch Nails to find their niches. It allows parents who think children should be encouraged to use their imaginations to coexist peaceably with those who think imaginative play is dangerous and sinful. . . . The market does, however, undermine central authority. Though the organizations created within it may contain many hierarchies and authorities of their own, the market process does not establish one best way. So if your central political value is authority, if you take tradition not as an evolutionary process but as a settled decree, if you see choice and liberation as inherently evil, you will necessarily be driven to oppose the market.

In other words, if you believe that the $8 billion pornography market is an evil thing—and if you take the next step of asserting that this belief is not just a mere personal opinion but is actually true—then you have taken the first fatal steps toward joining the editors of THE WEEKLY STANDARD as the New Democrats' best friend.

Without fully intending to, Postrel illustrates why

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so many conservatives—even those who would probably agree with her on virtually every public-policy issue—mistrust libertarians. There always hangs over them a little cloud of suspicion: Do libertarians favor radical freedom even despite its sometimes unconservative consequences? Or because of them?

One of the founders of modern libertarianism, John Stuart Mill, answered this question very frankly in his much-quoted essay, "On Liberty." Most people remember "On Liberty" as a stirring defense of freedom of speech. And so it is. What people forget was that the England of 1859 was a country in which freedom of speech was treasured every bit as much as we treasure it now. (The English had their blind spots of course: As Mill complains, a man could spend 30 days in jail for scrawling anti-Christian blasphemy on a gate. But is that really so much more oppressive than our rule that a lawyer can be ordered to pay a million dollars to his secretary for complimenting her figure?)

But "On Liberty" is something else—something much closer to the reasoning of Virginia Postrel. What Mill is really defending is not freedom from the government, but freedom from the disapproval of others. It is social stigma, not legal stigma, that most worries Mill—"so effective is it that the profession of opinions which are under the ban of society is much less common in England than is, in many other countries, the avowal of those which incur risk of judicial punishment." Mill yearns for a world in which people can be as odd as they want to be—though even he perhaps never imagined a Dennis Rodman or a Madonna Ciconne—without anyone pursing their lips. "In this age, the mere example of nonconformity, the mere refusal to bend the knee to custom, is itself a service. Precisely because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric. . . . That so few now dare to be eccentric marks the chief danger of the time."

Some of us may think that a time whose chief danger was an insufficiency of oddballs didn't know how lucky it was. We may nod our heads with Mill's most

"Why does the United States have a quota limiting imports of sugar?"

FLOSUN SUGAR

In most foreign countries sugar production is heavily subsidized therefore removing any possibility of financial loss.

With the subsidy in hand, the foreign farmers and governments "dump" their surplus sugar supply at below their production costs on the world market.

The quota basically protects the American Sugar farmers from the unfair competition of heavily subsidized foreign sugar farmers. It is a system that levels the playing field.

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brilliant critic, James Fitzjames Stephen (ironically enough, the uncle of Virginia Woolf), who pointed out that eccentricity was a form of distinction sought only by "weak and trifling minds." But what's most alarming about Mill's variety of libertarianism is that, for him, every bit as much as for Robert Bork, political liberty is not an end in itself, but only a means to an end. Both men judge political liberty a success or a failure according to whether it promotes their vision of the good society. For Bork, this means that the test of liberty is whether it preserves a bourgeois society. For Mill, the test is whether liberty helps discover a replacement for a Christian morality that he believed had outlived its usefulness: "The creed"—and the context makes plain that he means Christianity—"remains as it were outside the mind, incrusting and petrifying it against all other influences addressed to the higher parts of our nature; manifesting its power by not suffering any fresh and living conviction to get in, but itself doing nothing for the mind or heart except standing sentinel over them to keep them vacant."

It's not fanciful to hear in this the original of the thought that echoes in Virginia Postrel's argument. But libertarians need to realize this: If their contention is that freedom is good because it helps them find a new morality, they will succeed only in convincing adherents of the old morality that freedom is bad. Charles Murray has argued that a society that legalized drugs but freed landlords to eject tenants who use drugs, school principals to expel drug-taking students, and employers to fire drug-taking employees will do better at fighting drug abuse than a society in which drugs are barred at the border but in which drug addiction is a prohibited grounds for discrimination. That's persuasive. What isn't persuasive is the claim that snorting cocaine is some sort of fundamental human right.

Conservatives didn't oppose the New Deal, support the Cold War, demolish the case for price controls, slash taxes, and reform welfare only to surrender their claim to be the party of liberty at the end of the twentieth century. The party of liberty is what conservatives are, and what they ought to be. When conservatives forget that identity, the more libertarian members of the conservative coalition do right to chide them. But if conservatives have to be reminded that they are the party of liberty, so libertarians need to be reminded of their obligation to the cause of virtue. For without a shared understanding of what is right, what is moral, no political movement can long survive. ♦

Why CCRI Is Constitutional

By Harry Jaffa

It is good news that the Clinton administration, the ACLU, and the rest of the "civil rights" establishment are fighting to have the California Civil Rights Initiative ruled unconstitutional. Their effort may indeed have "no likelihood of success on the merits," as a unanimous three-judge panel of the Ninth U.S. Circuit Court of Appeals held last week when it lifted a lower court's injunction blocking CCRI. But the fight, expected to resume shortly before a larger panel of the Ninth Circuit, usefully clarifies a fundamental public issue.

We should have had a national debate in 1996 on the question of whether individual rights or collective rights are the foundation of that "republican form of government" guaranteed by the Constitution to every state. But in an amazing display of political incompetence, Dole and Kemp made tax reduction their centerpiece. This, despite overwhelming evidence that the American people—after Bush in 1988 and Clinton in 1992—were not prepared to believe campaign promises to cut taxes. Clinton easily neutralized the Dole/Kemp proposals by offering targeted tax cuts instead of general ones.

Voter cynicism aside, the tax-cut issue was of Lilliputian proportions in comparison with the question of whether our constitutional rights are derived from

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the natural and God-given rights of human persons or from their race, sex, religion, and ethnic origin. This was the basic issue in the American Civil War, which pitted individual rights as proclaimed in the Declaration of Independence against collective rights, called states' rights. Jack Kemp rarely makes a speech without invoking the name and party of Abraham Lincoln. But when he had the opportunity, before a national audience, of making Lincoln's argument his own—of demonstrating once again why a house divided between collectivism and individualism cannot stand—he fell strangely silent.

Conservatives around the country have expressed indignation at the federal district court judge who blocked the implementation of the California Civil Rights Initiative. "Judicial usurpation of legislative authority is an old story," they say. "What is new here is the apparent willingness to block the direct expression of popular will in elections." It is a mistake, however, to think that a direct expression of popular will is more authoritative than the expression of that same will by an elected legislature. It is a much greater error to think that the "popular will" is the ultimate arbiter of questions of this magnitude.

The rights to be secured by constitutional government are antecedent to both majorities and minorities. In the *Notes on Virginia*, Thomas Jefferson proclaimed, "It was not an elective despotism that we fought for." And in his first inaugural address, he said:

> All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.

There are few today, we presume, who would deny that any state initiative restoring Jim Crow—no matter how large the majority that passed it—ought to be held null and void. Sober citizens would recognize not only that such an initiative violated the federal Constitution, but also that, like slavery, it violated rights with which we have been endowed by our Creator, rights the Constitution came into being to protect.

To the intelligent citizen unsophisticated in the arcana of present-day constitutional law, what was truly remarkable about Judge Thelton Henderson's district-court ruling was the presumption that the California Civil Rights Initiative violated the equal protection clause of the Fourteenth Amendment. It certainly outraged common sense to suppose that a law decreeing that there should be *no preferences* based upon race or sex discriminated against some because of their race or sex. The aforesaid unsophisticated citizen would naively assume that the words of the initiative and the words of the equal protection clause meant what they said. But Judge Henderson operates in an Orwellian universe where the words of statutes and of the Constitution may be held to mean the opposite of what they mean according to common sense.

To understand the present divorce of constitutional law from the Constitution—and from common sense—the most notable landmark is the opinion of Chief Justice Earl Warren, for a unanimous court, in *Brown* v. *Board of Education* in 1954. The decision in that case quite reasonably held that segregated public schools violated the equal protection clause of the Fourteenth Amendment. But the reasoning of the court in arriving at this decision was anything but reasonable. In fact, Warren's opinion has probably done more harm than any since Taney's in *Dred Scott*. The flood of liberal judicial activism—including *Roe* v. *Wade*—followed directly from this precedent.

Warren, in effect, turned his back on the intentions of those who framed and ratified the Fourteenth Amendment. Whatever they thought, he said, we today know that to segregate black schoolchildren

> generates a feeling of inferiority that may affect their hearts and minds in a way unlikely ever to be undone. . . . Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson* (1896), this finding is amply supported by modern authority.

The alleged "modern authority" was psychologist Kenneth Clark's experiments showing how children of different colors reacted to dolls of different colors. The doll tests, however, did not justify the conclusions Warren attributed to them, and it is doubtful that Warren even knew what was in the reports of Clark's research. For Warren, the tests were a means of invoking a higher authority for the Constitution than the Constitution itself. With Warren blazing the trail, the principles of the Constitution would henceforth be found not in a reactionary past but in an enlightened future. This new jurisprudence would be that of a "living Constitution," emancipated from a dead past and keeping pace with the progress of science.

Yet Warren must have known, even in 1954, that psychology—and science generally—does not speak with a single voice. Then as now he could have found "experts" who, for a fee, would testify on almost any side of a question. In choosing which experts to believe, the justices were acting in perfect independence of both science and the Constitution. With this precedent, the justices could decide what the Constitution meant by deciding what they wanted it to mean. Warren's opinion opened the floodgates for a judicial activism that ever since has invented rights and remedies uncontrolled by any systematic juridical thought

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anchored in the historic meaning of the actual Constitution. This is the point at which the distinction between judicial and legislative power broke down.

That Warren had deliberately turned his back on traditional constitutional interpretation is shown by the fact that another opinion, squarely within the framework of such interpretation, lay open before him. It was Justice John Marshall Harlan's 1896 dissenting opinion in *Plessy*. State-enforced segregation of public facilities was inconsistent with the equal protection clause of the Fourteenth Amendment, Harlan had said, because,

> in view of the Constitution, in the eye of the law, there is in this country no superior dominant ruling class of citizens. There is no caste here. Our Constitution is color blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. . . . The law regards man as man, and takes no account of his surroundings when his civil rights, as guaranteed by the supreme law of the land, are involved.

THE ONLY RIGHTFUL GROUND UPON WHICH THE FIGHT TO OUTLAW RACIAL PREFERENCES CAN BE WON IS THAT THE CONSTITUTION IS "COLOR BLIND."

That the Constitution contemplates "man as man," that it is "color blind," means neither more nor less than what the Declaration of Independence meant by "all men are created equal." Warren's opinion, based upon the hypothetical "feelings" of Negro children, did not reverse *Plessy*. It did not rule out the possibility that whenever Negro schoolchildren had different feelings, segregation might be lawful. In the years since *Brown*, it has often been found that in circumstances of sufficient cultural disparity, it is integration, not segregation, that causes feelings of inferiority in black children. For many years now on college campuses, black students and black faculty in quest of "ethnic identity" have pursued policies of both intellectual and social segregation. What Warren's opinion really meant was that it was how the justices felt about how the children felt—or about how they thought that the children felt (or ought to have felt!)—that determined what constitutional law would be. But rights are objective, and feelings are subjective. The former should not be decided by the latter. Harlan's dissenting opinion is a clear demonstration of how utterly superfluous it was to have recourse to the feelings of black schoolchildren to determine their rights.

An *amicus* brief submitted recently to the U.S. District Court for the Northern District of California in defense of the constitutionality of the California Civil Rights Initiative notes that CCRI "essentially enshrines in California law Justice Harlan's dissenting opinion in *Plessy*." The argument from a "color blind Constitution" is the true ground, indeed the only rightful ground, upon which the fight to outlaw racial preferences can be won. But there are those, even among the supporters of the initiative, who are blindly hostile to admitting the principles of the Declaration of Independence into constitutional jurisprudence. We note not only that Harlan's opinion was ignored by the court in 1954, but that it has never been endorsed by any subsequent court. The defenders of the California Civil Rights Initiative, standing upon the authority of Harlan's "color blind" Constitution, will have to realize that support for their position must come from outside of present-day jurisprudence, conservative no less than liberal.*

Such support for "colorblindness" requires distinguishing the *principles* of the original Constitution from the *compromises* of that Constitution. For how we interpret the Fourteenth Amendment depends upon what it was in the antebellum Constitution that the Civil War amendments were supposed to correct. *Was the equal protection clause designed to secure the rights of Negroes because they were black or because they were human?* Everything turns upon the answer to that question. Only by the latter alternative can the constitutionality of the California Civil Rights Initiative be defended.

According to Abraham Lincoln, the concessions to slavery in the original Constitution arose from the actual presence of slavery among the institutions inherited from the time when the states were colonies of Great Britain. The Constitution could not have been ratified without these concessions. Yet nothing in the concessions represented a compromise of principle. Paradoxical though it may seem, Lincoln said, it was even in the ultimate interest of the slaves themselves to make these concessions. As proved to be true, only the government brought into existence by the Constitution would be strong enough to control slavery and place it on a "course of ultimate extinction." Hence the founding fathers, had they taken what we might think a more principled stand against slavery, might actually have contributed to the ultimate success of slavery. No possible alternative to the govern-

* For the record of conservative opposition to the recognition of any constitutional status of the Declaration of Independence, see my *Original Intent and the Framers of the Constitution* (Regnery).

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ment of the Constitution could have accomplished what that government accomplished in the Civil War.

Lincoln's message to a special session of Congress on July 4, 1861, features his refutation of the right of secession, the alleged right by which the states of the Confederacy defended the lawfulness of the withdrawal from the Union. In the last of his arguments, Lincoln pointed to Article IV, section 4, of the Constitution, which says that "the United States shall guarantee to every State in this Union, a republican form of government." How, Lincoln asked, could the United States fulfill such a guarantee if a state could withdraw from the Union?

The Confederates replied by insisting that republicanism meant self-government and that Lincoln, by threatening slavery, threatened their republican right to govern themselves. This raised the question of whether slavery was or was not in itself consistent with the republican form of government guaranteed by the Constitution. It must be conceded that this was the strongest of all proslavery arguments. For if slavery and republicanism *are* compatible, then the principles of republicanism and the principles of the Declaration *are not*! But what is a republican form of government? In the 39th *Federalist*, Madison says

> we may define a republic to be . . . a government which derives all its powers, directly or indirectly, from the great body of the people.

And again,

> it is essential to such a government that it be derived from the great body of the society, not from . . . a favored class of it.

The foregoing does no more than apply the principles of the Declaration of Independence:

> That to secure these rights [that is, those with which *all men* have been equally endowed by their Creator] governments are instituted among men, deriving their just powers from the consent of the governed . . .

A republican government derives not any powers whatever, but only "just" powers from the consent of the governed. The authority of the majority is derived from a moral consensus in which all share. Implicit is the understanding that the majority will respect the rights of the minority. As Madison says elsewhere, the majority may do anything that might be done *rightfully*. The decision of the majority to confiscate the property of the minority cannot be justified by any vote. Nor can a decision to wage aggressive war in order to plunder another nation. The rights of the Bill of Rights are protected by "the just powers of government," but they do not originate in those powers, nor are they dependent upon them for their existence as rights. The coincidence of the republican guarantee and the safeguards of slavery in the original Constitution is then only another feature of the anomaly arising from the necessity of ratification.

But the story of the republican guarantee does not end here. The final word on the constitutional definition of a republican form of government may be found in the acts by which Congress has enabled new states to gain admission into the Union since the Civil War. Beginning with Nebraska in 1864, before the war had ended, and including Hawaii and Alaska, admitted in 1959, every enabling act provides that the constitution of the new state "shall be republican in form" and that there shall be in it "nothing repugnant to the Constitution of the United States and the principles of the Declaration of Independence." This joining of the guarantee of the republican form of government in the Constitution with the principles of the Declaration of Independence finally resolves the anomaly in the antebellum Constitution. It is in fact an affirmation of the constitutional status of the declaration's principles as set forth in the Republican party platform of 1860:

> Resolved . . .That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution,---"That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed," is essential to the preservation of our republican institutions.

Ending the harrowing contradiction in the antebellum Constitution between slavery and government by consent of the governed, this formulation represents the Union victory as much as the Civil War amendments. And it tells us that equal protection of the laws must be understood to refer to the rights of human persons and not of any less inclusive group.

It is a pity that the repeated inclusion of the principles of the Declaration of Independence in acts of the Congress defining the republican guarantee has gone unnoticed; also, that so few prominent jurists today—the notable exception being Justice Clarence Thomas—subscribe to this understanding. For it is yet another confirmation that, by the true original intent of the Constitution, the rights protected by the Constitution are the rights of human persons, without regard to their race or color or sex. The rights of blacks are indeed protected not because of blacks' color, but because of their humanity. This is the doctrine—the constitutional doctrine—of the California Civil Rights Initiative. ♦

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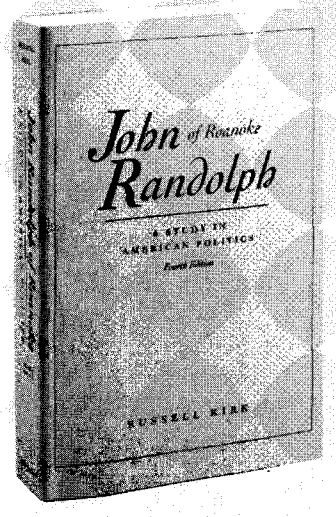

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The Individual from the Ashes

Hitler and the Genre of the Holocaust Memoir

By Ruth R. Wisse

Hitler was probably the first ruler in history to inspire a new genre of literature. He did not, like Elizabeth I or James Stuart, merely lend his name to works commissioned or produced during his reign. Hitler created a social system so exceptional that those who were subjected to it felt they had to bear witness to what they had seen and experienced. Hence the diaries, chronicles, and reportages by the victims of Nazism who did not survive the war. Hence the postwar testimonies that were gathered from survivors of the concentration camps and death camps. And hence literature of the Holocaust, thousands of volumes of memoirs and autobiographical fictions by individuals who might otherwise never have undertaken to write a book.

What Alexander Donat called "The Holocaust Kingdom" elicited an outpouring of testimony that has gathered momentum for 50 years, and will probably continue to generate an interpretive literature for centuries more. This may not be what Hitler had in mind when he promised a thousand-year reich, but no other regime (let us pray that no other regime) will ever be remembered so intensely.

Literature of the Holocaust bears a strange relation to the man who inspired it. For one thing, it almost never mentions Hitler by name. Its authors were usually too far from the source of power to describe its workings, and better able to account for its results than its origins. Like the term "Holocaust" itself, the literature redirects attention from the political instigators to the victims, from those who determine events to those who undergo their consequences.

Jorge Semprun
Literature or Life
Viking Press, 304 pp., $24.95

David Weiss Halivni
The Book and the Sword:
A Life of Learning in the Shadow of Destruction
Farrar, Straus & Giroux, 197 pp., $21

More dramatically, the body of literature that was created by Hitler's victims inverts the point that he intended to prove. Hitler drew his power from depriving other people of theirs; he inflated his name by reducing other human beings to ciphers. The function of the camps was to erase the individuality and personal characteristics of enemies long before their ultimate reduction to dust.

Yet the most characteristic feature of Holocaust literature is its insistence on the first-person singular. The ego claims its due, even against an author's wishes. "I had planned a contemplative, essayistic study," writes Jean Amery (pseudonym of Hans Meyer) in *At the Mind's Limits*, his book on the intellectual at Auschwitz. "What resulted was a personal confession refracted through meditation." When, in the interests of truth, Amery overcomes his distaste for personal revelation to document the torture he endured at the hands of the Gestapo, the most valuable knowledge he offers the reader is insight into his remarkable soul. What is more, he also insists on the personal identity of his torturer, the expressive Gestapo officer named Praust: "P-R-A-U-S-T." I wish that every copy of Hannah Arendt's book *Eichmann in Jerusalem* could include Amery's protest against her idea of the "banality of evil." Amery, who had seen the torturer at work, records "how the plain, ordinary faces finally became Gestapo faces after all, and how evil overlays and exceeds banality." He credits his experience at Auschwitz with having murdered abstraction about the human condition—with having saved him from thinking like Hannah Arendt.

Hitler rendered his victims extraordinary against their will. But in the act of writing, each victimized writer reveals himself unique—as this particular near-sighted Jewish woman or that particular homesick Polish lover. The exhibitionist preens and the introvert is shy. The good writer becomes distinguishable from the mediocre, just as in other genres. To my knowledge, none of Hitler's victims credit him with having changed their allegiances. Primo Levi the humanist loses his temper only once during his account of survival in Auschwitz—with a religious Jew who prays when he is spared from a selection. By contrast, the Talmud scholar

Ruth R. Wisse is professor of Yiddish and comparative literature at Harvard University and the author, most recently, of If I Am Not for Myself: The Liberal Betrayal of the Jews.

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David Weiss Halivni describes his reaction to the sight of a German guard eating a sandwich wrapped in a page of what he recognized as the *Shulchan Aruch,* the Code of Jewish Law, in the particular edition he had coveted. Weiss Halivni falls at the guard's knees and, sobbing, pleads with him for the precious *bletl.* Because its subject and story line remain more or less constant, literature of the Holocaust throws into boldest relief the distinguishing features of every person who writes it. This genre testifies with special eloquence to the irreducible individuality of even "ordinary" men and women.

Jorge Semprun and David Weiss Halivni were already extraordinary before they were herded into Hitler's sphere. Semprun would have been a writer with or without his 18-month incarceration at Buchenwald. The son of a diplomat for the Spanish Republic, Semprun had emigrated to France with his family after Franco's defeat of the Republican government. By the time he joined the wartime French Resistance, he had made a name for himself as a student of philosophy and a budding poet. As an indication of his precocity, Semprun recalls a long letter written to him in 1941, when he was 18, by the literary critic Claude-Edmonde Magny, on the basis of poems that he had shown her. Magny had gently criticized the anonymity of young Semprun's verse, the limbo of his literary creation, the lack of *gravity* in the physical sense of the term. When they meet again after the war, the critic worries about the opposite danger: "Everything you might write risks having *too much* gravity!" The personal experience he had gained between 1943 and 1945 gave him more ballast than his art required.

The young man Semprun recalls in his new memoir, *Literature or Life,* is a literary modernist, a Communist, a person of great charm and courage. In 1942 he joins the *maquis*, the southern branch of the French Resistance. Arrested in November 1943, he is interrogated under torture, imprisoned, shipped to Buchenwald, and liberated there by the British and Americans on April 11, 1945. Semprun returns to Paris and then to Madrid, where he becomes a member of the Communist underground. He meets new women and old friends, and resumes his life as a writer. In 1964 he publishes *The Long Voyage*, the book that made him famous, and by the time it wins him the prestigious Formentor Prize, he is expelled from the executive committee of the Communist party.

The narrative tension in *Literature or Life* hangs on the period between 1945 and 1963 when the author was trying to find a way of writing about his experience of Buchenwald. Semprun's literariness, his tendency to relate life to literature, was already so firm by the time he was shipped to Buchenwald that he could not know the world in any other terms. He describes how when he was still a partisan, he had trouble pulling the trigger on a German soldier because the man was singing "La Paloma." While in Buchenwald, Semprun is already wondering how he will begin to explain it to those on the outside: Shall he start with the showing of *Mazurka* with Pola Negri on a Buchenwald Sunday afternoon? Shall he begin with the proximity of Buchenwald to Goethe's Weimar? In *Literature or Life*, he opens with Leon Blum, the former premier of France, not merely because Blum was also held prisoner at Buchenwald, but because of the irony that having once written a book called *New Conversations Between Goethe and Eckermann*, Blum found himself a century and a half later imprisoned in the very district where his two subjects had chatted.

The literary sensibility is an invaluable counterforce to the degradation Semprun was forced to undergo. Yet it also gets him into trouble in a number of ways. Although Semprun had meant to record his experience immediately after the war, this memoir explains why it took him 18 years to complete his fictionalized account. Writing about the camp meant sinking back into the field of death. On one hand, Semprun knew that Buchenwald had given him the subject of the century. But revisiting the savagery in order to write about it precluded enjoyment of life, of love, marriage, and children. He does what most survivors did: He first tried to catch up with life, and only later turned to write about how he was almost deprived of it. However, since the writer's experience is also his profession, he cannot separate his past from his work the way an engineer could, or a tailor. The professional writer is drawn back by force of gravity to his internment.

Semprun finds his way out of the impasse through a literary style that lets him reimpose control over the period when he exerted no control. His modernist narrative makes its connections according to inner logic rather than the imposed demands of chronology and geography. In both *The Long Voyage* and the present memoir, the author's method of ricocheting among several time zones creates contradictory impressions—first, that sensations of Buchenwald may invade him at any time, and second, that he has regained the creative initiative over the memory that sucks him under. The narrative of *The Long Voyage* is held together by the author's first-person description of the five-day journey in a box car that held 120 starving men. There he even manages to create suspense by cross-cutting between the boxcar as it moves towards its destination and episodes from his life before and after. The present memoir is organized much more loosely around the subject of how *Voyage* came to be written; here he is a post-modernist, deconstructing his fiction the way Philip Roth does by teasing us with unreliable "facts."

Semprun traces his method back

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to André Malraux. He says he admires the way Malraux reworked the material of his writing and his life, "shedding light on reality through fiction, and illuminating the fiction through the extraordinary destiny of his life, thus drawing attention to the constant elements, the contradictions, the fundamental (and often hidden, enigmatic, or ephemeral) meaning of both life and art." But whereas the modernist method of *The Long Voyage* tries to simulate autobiographical truthfulness, and works toward a concept of closure, *Literature or Life* warns against any such assumptions, and inadvertently draws attention to its own untrustworthiness.

Take Semprun's writing about the Jews. In *The Long Voyage*, the narrator emphasizes the Jewishness of Hans, his best friend in the Resistance. Hans assumes a position of leadership and is apparently killed in a German surprise attack. But in *Literature or Life*, Semprun explains that the Jewishness of Hans was a fiction—Semprun now provides us with the identity of his "real" pal Julien, a Burgundian, and he says that he invented the fictional Jewish friend Hans to stand in for other real Jewish pals he had had. But why, if the Jew was such a reality at Buchenwald and among Semprun's pals, should he have had to invent one instead of describing one? Was it not, perhaps, because of the Jew's privileged status as the arch-victim of the Holocaust that the author created the fictional Jew as his closest friend? And if *this* Jew was invented, how shall we trust accounts of the other Jews in Semprun's witness?

These questions are hardly rhetorical. In a contiguous passage, the author describes the first days of liberation and his attempt to keep alive a Hungarian Jew who is chanting the Jewish Mourner's Prayer in Yiddish. But the Kaddish, as the prayer is known, is in Aramaic, not Yiddish. Maybe Semprun should not be expected to know that. But then why does he pretend to hear the man speaking Yiddish? When this dying Jew is next referred to as the "Christ of the Kaddish," we realize that Semprun is treating Jews as a literary construct, a special category of victim. The literariness of the text becomes oppressive.

And once we are alerted to artifice, we notice it where we shouldn't, as when the author is being most sincere:

> No one can put himself in your place, I thought, or even imagine

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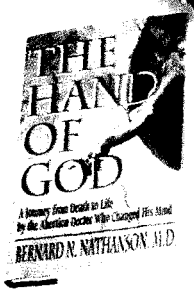

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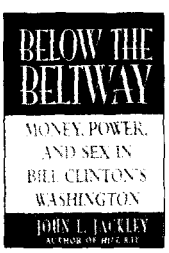

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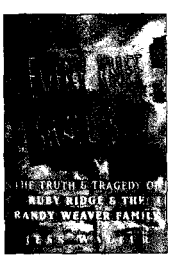

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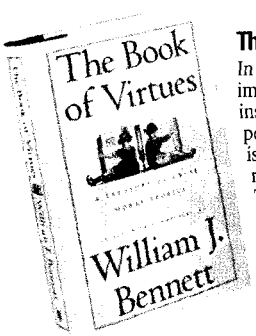

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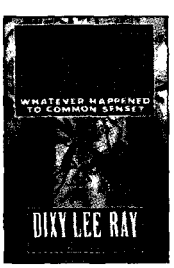

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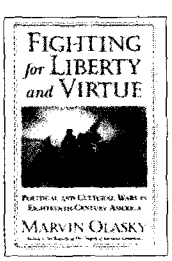

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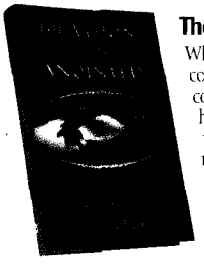

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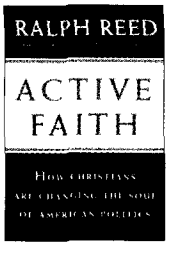

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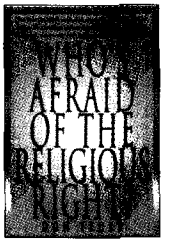

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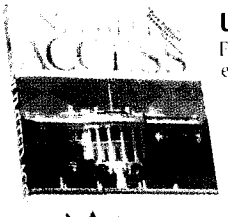

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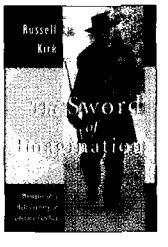

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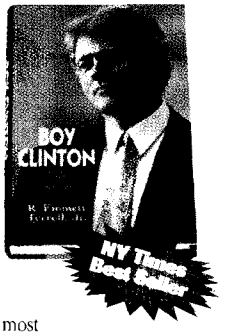

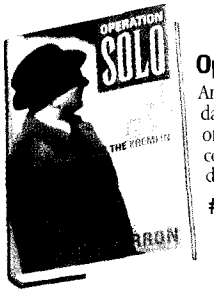

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> your place, your entrenchment in nothingness, your shroud in the sky, your fatal singularity. No one can imagine how much that singularity rules your life: your weariness with living, your voracity for life; your unflagging astonishment at the gratuitousness of existence; your rapture at having returned from the dead to breathe the salt air of certain seaside moorings, to dip into books, to caress the hips of women and lightly touch their eyelids closed in sleep, to discover how vast the future is.

The piercing singularity Semprun speaks of in this passage is the Holocaust's legacy to its survivors, and he is one of the most sophisticated of the writers who have tried to express it. But the literariness and self-reflexiveness and invention that Semprun keeps drawing attention to make this insight feel more like a crafted piece of prose than genuine sensation. Like a confessed adulterer, the writer who tells you how he betrays his craft does not win your confidence through his revelation.

As we see from Semprun's memoir, the prominence of the Jew became another unanticipated consequence of Hitler's Reich. Since all other nationals were treated relatively better than the Jews, the survivors among them feel that they have to defer to the arch-victim in their suffering. Yet it is the awful, apparently irresistible tendency—on the part of friends as well as enemies—to abstract the Jew rather than to seek to know him that makes the appearance of David Weiss Halivni's *The Book and the Sword* such a welcome event. This memoir by one of the world's leading authorities on the Talmud (currently professor of religion at Columbia University) introduces a Jew who was also immersed from childhood in a literary culture, but a culture that maintains its faith in truth because it maintains its trust in God.

David Weiss Halivni belongs to that portion of the European population that was least able to circumvent or escape Hitler's intentions. He was an observant Jew from the self-segregated Hasidic community of Sighet, also the birthplace of Elie Wiesel. From earliest childhood, when he began to pose incisive questions about the biblical texts he was studying, he was accorded the kind of honor that other cultures reserve for their princes. Weiss Halivni credits his precocity, which he treats as a kind of trust, with having eased and probably saved his life. He thinks that his desire for preeminence may be stronger than it is in others because "it was always connected with my very existence"; it warded off some of the poverty of his childhood and some of the dangers he faced in the camps.

Weiss Halivni was 13, bar mitzvah age, when the Hungarians occupied Sighet in 1940, but the family was so poor that the physical conditions of his life were not much worsened when the Jews were forced into a ghetto. He tried to absorb whatever secular knowledge he could and, in the absence of books, to study the Talmud in his mind on the basis of what he already knew by heart.

On May 14, 1944, the Jews of Sighet were deported to Auschwitz. The next day, when Dr. Mengele at the entrance to Auschwitz sent his grandfather and the chief rabbi of Sighet off to the right, the boy went to the left, and survived alone.

Writing autobiographically does not come easily to the Talmud scholar. Had he not been subjected to Auschwitz, to the labor camp Gross-Rosen, and to the death camp Ebensee, it is doubtful that he would have undertaken this kind of self-scrutiny. English is the author's fourth language, and it sometimes fails him at the very point of trying to communicate his deepest feelings. But having been rendered exceptional by the waste of his community, he feels an obligation to think his experience through. He believes that Holocaust memoirists should describe not only how they survived physically, but "what spiritual power drove them to continue, not to falter under the yoke of hopelessness and despair."

This book fulfills an intellectual obligation, for although Weiss Halivni is haunted by the same questions of radical evil and the same inevitable hallucinations that pursue Jorge Semprun, he suggests that it is easier to document evil than to surmount it. While human wickedness may be explained in terms of a few principles, the ability to survive it can be explained only in terms of "individual stamina." Semprun and Weiss Halivni both reject the pernicious notion that (in the latter's words) "survival was possible only at the expense of others and that, therefore, every survivor must have a sense of guilt."

Weiss Halivni's "literariness" is even more intense than Semprun's, only different from it in kind. His book is liveliest and most satisfying when he is describing his involvement with the Talmud. It keeps him intellectually alert in the camps; he inspires his fellow prisoners by teaching them the texts from memory, returning to the orality of what was originally the Oral Law. It is through his proficiency in the Talmud that he reintroduces himself to the Jews after the war, first in Budapest, and then in New York when he arrives there early in 1947 as part of a group of orphaned children. Although Weiss Halivni (he added the Hebraic patronym Halivni because Weiss was the name of prominent Nazis but did not want to drop the name he had inherited from his grandfather) is deferential to the scholars of the Jewish Theological Seminary, where he chooses to study and later to teach, he begins to hone an independent critical method that remains within the tradition of rabbinic exegesis, applies all the known tools of historical critical scholarship, and depends ultimately on the creative intuition of the scholar to establish the authentic text.

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Halivni reaches for an artistic analogy, his taste for Impressionism and early Post-Impressionism, to explain his critical approach:

> Unlike classical painting, to which the reigning Talmud scholarship can be compared, for it strives toward an articulate, harmonious whole, and unlike modern painting, which decidedly emphasizes the disharmonious, Impressionism leaves it to the viewer to complete the harmony, soliciting intuitive human participation.

The chief difference between the literary traditions represented by these two survivors is that only one of them is prepared to accord the text divine authority in the guidance of his life. A painful section of Weiss Halivni's book describes his break with the Jewish Theological Seminary, which in his judgment began to negate Jewish law by changing it without proper textual support from the Bible and the Talmud. Halivni has tried to walk the tightrope between intellectual independence and strict religious observance, and it has proven easier for him to teach within a secular school than within a Jewish institution that does not maintain this tension. He explains that although he follows his reason against tradition in pursuing critical study, he does not trust the impulse of progress enough to make changes in tradition on the basis of moral or ethical arguments alone.

Halivni's experiences under the Germans did not prevent him from becoming an innovative Talmud scholar. In the final analysis, though, neither his intellectual independence nor his traditional observance ever dulls the pressure of the great destruction that Hitler unleashed. He concludes *The Book and the Sword* wondering about the last thoughts of his mother and grandfather as they were pushed into the gas chambers. He is certain that they did not blame God. He is disturbed by the idea that they may have blamed themselves for their sins, "making their suffering so much greater."

Semprun is similarly haunted by the suicide of the great Italian writer Primo Levi on April 11, 1987, the anniversary of his own liberation. He wonders why it had suddenly become impossible for Levi to cope with the horrors of remembrance. In the concluding lines of *The Truce*, Levi had written:

> I am in the Lager once more, and nothing is true outside the Lager. All the rest was a brief pause, a deception of the senses, a dream . . .

Levi becomes for Semprun what family is for Weiss Halivni, the insistent inner voice of those who could not survive.

Both these authors, robust, imaginative, determined to live, make us realize that Hitler is not that easily defeated after all. For all that Holocaust literature inverts Hitler's premises about human individuality and the staying power of the Jews, it attests to the great and enduring imaginative power of evil. ♦

PRE-PRUFROCK

The Embarrassing T.S. Eliot

By J. Bottum

In the fall of 1922—just before publication of *The Waste Land* made him the most notorious poet of his generation—T.S. Eliot sent off a package containing two manuscripts to John Quinn, the wealthy New York lawyer who had been his benefactor for several years. The first was the original typescript of *The Waste Land*, complete with the slashes and scrawls of Ezra Pound's handwritten edits. The second was a leather-bound notebook of nearly seventy early poems, fifty of which had never been published. Written on the title page, in bold black ink, was a young man's ironic title, "The Complete Poems of T.S. Eliot."

T.S. Eliot
(Christopher Ricks, ed.)
Inventions of the March Hare:
Poems 1909-1917
Harcourt Brace, 472 pp., $30

Eliot's biographers and critics have long known of these poems from the letter of thanks in which Quinn refused to accept the notebook as a gift and sent the poet $140. But with the lawyer's death in 1924, the poems disappeared and did not resurface until 1968, three years after Eliot's passing, when they were discovered in the Berg Collection of the New York Public Library. Though the draft of *The Waste Land* appeared in print in 1971, the notebook poems remained unpublished—for a variety of reasons, some apparently having to do with Valerie Eliot's careful protection of her husband's copyright—until now, when the Boston University scholar Christopher Ricks has at last collected and annotated them in this new edition, *Inventions of the March Hare: Poems 1909-1917*.

There's plenty here to gladden the heart of the coldest scholar. The collection is a mine of tropes, motifs, and turns of phrase to which Eliot was still returning as late as *The Four Quartets* in the early 1940s. And if there is a muse of scholarship, it descended upon Christopher Ricks as he prepared the nearly 350 pages of notes that accompany the poems. The poet's evocation of "dusty roses,

J. Bottum is a contributing editor of THE WEEKLY STANDARD.

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crickets, sunlight on the sea" in the poem "Goldfish" incites Ricks to a wild barrage of cross-reference. He journeys from lines in Eliot's own "A Song for Simeon," "Animula," "Rhapsody on a Windy Night," and "Burnt Norton" to a minor illustration in Henri Bergson's *Introduction to Metaphysics*, not to mention a half-dozen similar images in the poetry of Austin Dobson, George Meredith, and Alfred, Lord Tennyson. Annotating these poems written in the decade before the publication of Eliot's first collection, *Prufrock and Other Observations*, in 1917, Ricks provides everything—and more than everything—necessary for understanding their place in the history of English literature and the career of T.S. Eliot.

The only thing he can't do is make the poems very good. *Inventions of the March Hare* is a fascinating collection of early failures and false starts, with a first draft of "Gerontion," an excised section of "The Love Song of J. Alfred Prufrock," and the publication at last of a long-rumored set of scatological and pornographic comic verse about a mythical explorer named Columbo and a native king named Bolo. Mostly what the poems prove is that the young man had the tools to be the poet we think of as T.S. Eliot nearly a decade before he had much idea what to do with them.

When he writes, in "Goldfish,"

And should you ever hesitate
Among such charming scenes—
Essence of summer magazines—
Hesitate, and estimate
How much is simple accident
How much one knows
How much one means

the readers who remember the broken repetitions in the 1925 "The Hollow Men" and the 1930 "Ash Wednesday" know exactly what Eliot is up to in this 1910 poem with the repetition of "hesitate" and "How much." The readers of "Prufrock" know what crushing irony the poet intends with the words "charming scenes." The readers of *The Four Quartets* know how much poetry Eliot can perform with such Latinate philosophical terms as "essence" and "accident." But the poem itself is a disaster.

I suppose it shouldn't come as much of a surprise that T.S. Eliot should prove the best writer of bad verse in the style of T.S. Eliot. Sometimes the defeat of our expectations is unintentionally hilarious, as when the young poet, in a quatrain concluding a meditation on death and writing, adds a final line perfectly awful in sentiment, phrasing, and rhyme:

My brain is twisted in a tangled skein
There will be a blinding light and a little laughter
And the sinking blackness of ether
I do not know what, after, and I do not care either.

But mostly what we experience in these early poems is a constant sense of not-quiteness, an imperfect foreshadowing of what we know the poet will later do:

of what are you afraid?
Hopeful of what? whether you keep thanksgiving,
Or pray for earth on tired body and head,
This word is true on all the paths you tread
As true as truth need be, when all is said:
That if you find no truth among the living
You will not find much truth among the dead.

This sense of not-quiteness is exactly what we ought to feel in any collection of juvenilia—though the poet, born in 1888, was no child when he wrote them. When the poems appeared in England last year, however, they suffered from a general overestimation of their importance, and early notices suggest they are about to find the same fate here in America.

Part of the explanation is the fact that in many ways English poetry still remains where it has been since the 1920s: squarely in the Age of Eliot. We are fascinated with Eliot because he is our last magisterial poet, our last artist to write—as we all knew, as he himself knew—for the ages. The many volumes of his critical essays had a great deal to do with his dominance: An offhand comment that he didn't much care for Shelley wrecked study of the Romantic poet for a generation. So too his verse plays, especially *Murder in the Cathedral*, contributed to his prestige—as did even his minor comic verse gathered in *Old Possum's Book of Practical Cats*, repopularized in the apparently curtainless musical *Cats*. But mostly his authority derived from his serious poetic work, an astonishingly small body of poetry that made him known to every serious reader of English. No poet—not Keats, not Poe, not even Thomas Gray—has gained so high a reputation with so few poems. Everyone who went to school in America after 1950 read some Eliot, and the standard anthology selections they read—"Prufrock," "Gerontion," *The Waste Land*, "The Hollow Men," "Ash Wednesday," *The Four Quartets*—represent a larger proportion of his verse than any other poet enjoys. The nearly fifty previously unpublished poems in *Inventions of the March Hare* represent a major addition to the body of his work.

In many other ways, however, the Age of Eliot is long over—dead even before the poet himself died in 1965, for he had no real followers and founded no real school. You could compose in one of the several styles of Ezra Pound if you tried, and many poets—from the horrendous Amy Lowell to the interesting Hilda Doolittle—did. You could learn to write like William Carlos Williams; Robert Lowell once remarked that his own precise poetic confessions in *Life Studies* and the sprawling Beat effusions of Allen Ginsberg in *Howl* represented not so much two

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opposed schools of poetry as two opposed schools of William Carlos Williams. You could even imitate William Butler Yeats; much of the best work of John Berryman and Delmore Schwartz reads like a gloss on late Yeats.

But who ever wrote like T.S. Eliot? The influence of Eliot radiates through mid-twentieth century poetry—in the classicism of John Crowe Ransom, the anti-romanticism of Wallace Stevens, the jazzy voice of W.H. Auden, the historicism of Allen Tate, the religious density of Robert Lowell's early poems. And a thousand minor poets through the 1950s, especially would-be religious poets, strove to be Eliotian in their verse. But none of them possessed all the pieces that went together to make an Eliot poem. By the 1960s, not merely Eliot's late religious sensibility, but even his early modernism—together with his vast learning, intellectual seriousness, and philosophically dense lines—had come to seem impossible for new poetry.

Proof both that we are still fascinated with Eliot and that his age has utterly ended is the controversy that swirled through the intellectual world last year with the publication of *T.S. Eliot, Anti-Semitism and Literary Form* by Princess Diana's English lawyer, Anthony Julius. Picking up the evidence assembled some years earlier by Christopher Ricks, and arranging it in a virtual legal indictment, Julius argues that the references to the Jews in Eliot's verse and critical writing prove the poet to be an anti-Semite—still a great writer, but one to be known henceforth as a hater of the Jews, much as Villon is remembered as a thief, Pound as a traitor, Kipling as an imperialist, and Swinburne as a nasty little neurotic who liked being whipped.

A similar controversy has begun to swirl around the comic poetry in *Inventions of the March Hare*. In 1915 it was of course the pornographic and scatological quality that kept the verses out of print: "I fear," Eliot wrote Pound, "that King Bolo and his Big Black Kween will never burst into print. I understand that Priapism, Narcissism, etc. are not approved of, and even so innocent a rhyme as *pulled her stockings off / With a frightful cry of 'Hauptbahnhof!!'* is considered decadent." "They are excellent bits of scholarly ribaldry," Wyndham Lewis wrote in explanation of his refusal to publish them, "but [I] stick to my naive determination to have no words ending in -Uck, -Unt, and -Ugger."

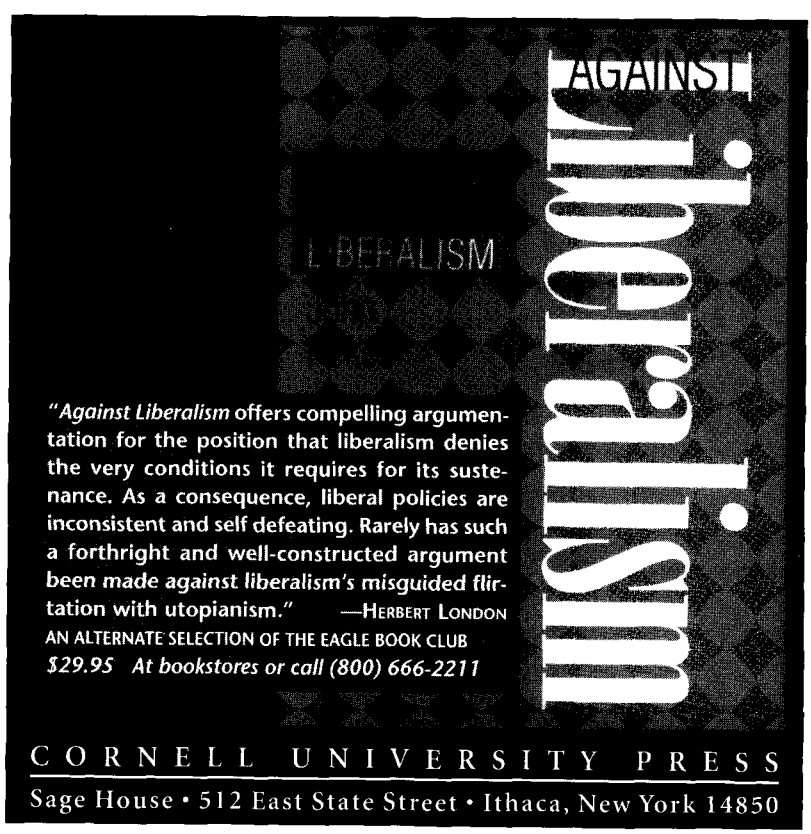
Nowadays, however, it is the political incorrectness of the verse that seems to indict the poet. In the poems beginning "Ladies, on whom my attentions have waited" and "There was a jolly tinker came across the sea," Eliot revels in a comic misogyny. And in the five pages of Columbo and Bolo verses, he proves willing to indulge comic racial comments, of which such lines as

King Bolo's swarthy bodyguard
Were called the Jersey Lilies
A wild and hardy set of blacks
Undaunted by syphilis.

form relatively mild examples.

One defense of the poet—though not of his wife or Ricks—might be that Eliot did not in fact print these early verses. Though in showing them to Lewis, he made some desultory effort at having them published in 1915, by 1917 he was firmly in control of his poetic career—and deliberately kept the body of his published work small.

He sent the manuscript to Quinn in 1922 with the injunction, "I beg you fervently to keep them to yourself and see that they never are printed." In a letter in 1963, he called them "unpublished and unpublishable" and in 1964 added, "I cannot feel altogether sorry that . . . the notebook [has] disappeared."



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Such a defense, however, seems neither ennobling nor convincing, admitting Eliot's racism and misogyny even while dismissing them as a sort of private vice. A far better account emerges from recognizing the place of these early verses in his career. Not just the unpublished work in *Inventions of the March Hare*, but also the early drafts of "Prufrock," "Gerontion," and the other poems Eliot eventually published show that the poet possessed from age 21 nearly all the poetic elements we think of as Eliotian—all the elements, that is, except what can only be called his voice, the mastering principle that would unite and turn these poetic elements to a single purpose.

The early work reveals such well-known aspects of Eliot's poetry and criticism as his burgeoning interest in Dante, his real knowledge of French poetry, his classical education, his training in philosophy, and his deep distaste for the Georgian romanticism that dominated poetry between the 1880s and World War I. More than anything else, however, the notebook poems show that Eliot had a systematic and virtually complete knowledge of the history of English poetry at an astonishingly early age—long before he knew how to use his knowledge.

The result has more to say about poetry than it does about T.S. Eliot. Little of the young man—newly arrived in England, painting his lips green to recite modern French verse to uncomprehending undergraduates—is revealed in these early poems.

Trying out trope after trope from the history of English poetry, he indulges comic misogyny and racism to the same degree to which the language itself does. Unlike Auden, who never entirely gave up writing humorous pornographic verse, Eliot stopped at the same time he found his adult voice. The progress of the artist, he later declared, is "a continual extinction of personality," and as he grew into a world-famous poet, he deliberately wrapped himself and his life in a mantle of bland unobtrusiveness. The poems in *Inventions of the March Hare* date from the days when Eliot was a much more interesting man, and a much less interesting poet.

Perhaps this suggests as well a way to understand the anti-Semitism that found its way into such major published poems as "Gerontion" and generated the recent attacks on the poet. It sounds absurd to say that Eliot didn't despise the Jews, the English language did. But it is true that deep in the language there is a little hatred of the Jews—together with a little hatred of Catholics, Africans, and many others. Eliot was, of course, much less sensitive to the consequences of indulging anti-Semitic tropes than we are after the Holocaust. But our rightful sensitivity on this score ought not to blind us to the poet's project to grasp the language as a whole. Only if we understand Eliot's desire to redeem in modern times the entire history of English poetry can we understand what he reveals to us in his greatest work: his horror at the abyss in *The Waste Land* and "The Hollow Men" and the solution he found with God in "Ash Wednesday" and *The Four Quartets*. ♦

MURIEL SPARK'S MEMENTOS

The Twentieth Novel of an Arch Ironist

By Malcolm Bradbury

In the 1950s and early 1960s, Britain had a great flourishing of new novelists: William Golding, Angus Wilson, Kingsley Amis, Iris Murdoch, Anthony Burgess, Doris Lessing, John Fowles, and more. One of the more unusual was Muriel Spark. Born Muriel Camberg in Edinburgh in 1918, she was that not-too-common figure, a Jewish (rather, half-Jewish) Scot. She grew up in that Calvinist city built around its fine Walter Scott memorial, became a youthful poet, then fled to Africa and a short-lived marriage. She came back near the war's end and was engaged to work in black propaganda: ideal training for the literary life.

Muriel Spark
Reality and Dreams
Houghton Mifflin, 160 pp., $22

In poor, bomb-blasted, postwar London, it was still possible to lead a bohemian literary existence on near-nothing: writing reviews (and selling the review copies), helping tired elderly scholars with research, working on small literary magazines, undertaking commissioned books for small publishers. Spark lived a Grub Street existence, wrote poetry and various interesting biographies, and was active in the complicated affairs and bitterly nasty politics of the Poetry Society (poets bite). When, in the early 1950s, she turned her skills to fiction, all this was grist for the mill.

Everyone remembers *The Prime of Miss Jean Brodie*, where—recreating her Edinburgh schooldays—she gives a stylish, extraordinary, won-

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derfully ironic portrait of the prissily elegant teacher who wins her girls over by style and wisdom (nearly over to Hitler, in fact). Other books capture the grim postwar time when, as she said in *The Girls of Slender Means*, "all the nice people in England were poor, allowing for exceptions." Others, like *A Far Cry from Kensington*, return us to those Grub Street wars and the world of literary hopefuls and impostors, the basis of any useful literary culture, which in fact England then still had.

One key fact in her books was her religious conversion: first to T.S. Eliot's elected faith, Anglo-Catholicism, then to Catholicism. She was received to the faith in 1954 ("one wet afternoon I did it") after taking Jungian therapy. Her conversion was partly presided over by two eminent writers—Graham Greene and Evelyn Waugh. So she acquired not just a new interpretation of the world, but a distinct kind of literary tradition. The Catholic novel had long been practiced in Britain, but it had had a strange quirky renaissance in the work of Greene, with his black Catholic existentialism, and Waugh, who once said if he hadn't been a Catholic he would have loved no one—as, indeed, he probably didn't.

Spark's fiction gave a new dimension to all this, a kind of black Catholic irony. *The Girls of Slender Means* is an end-of-wartime comedy about arbitrary salvations and damnations. *Memento Mori* is a (metaphysical) joke about age, dying, and the remembrance of sins. The Spark tone, cool and comic, was unmistakable. But perhaps it was the fine line of her writing, its skill and its artistic joy, that mattered most.

Spark's real spiritual home or base camp was Italy, where a good many of her best books are set. From her Roman home came, during the 1960s, a wonderful burst of fiction. Her work became more and more concerned with illusions and realities, fictions and falsehoods. *The Public Image*, splendidly witty, morally serious too, is about a movie star, but above all it's about the empty postmodern self and one convenient way to fill it (pregnancy—though even that becomes just another manipulable element of the public image). Film stars, filmmakers, and other fantasy-creators in our latter-day *dolce vita* took on increasing fascination, along with those dealing in law and money.

Which brings us to *Reality and Dreams*, Spark's twentieth novel, a short crisp book that is typical of her

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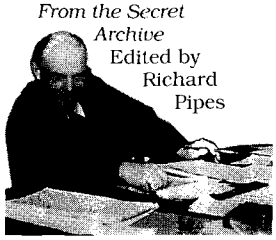

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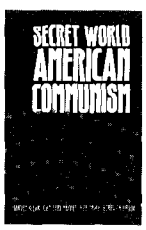

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style and manner. Some of Spark's books give us a witty and retrospective history of the years since the war, which are seen mostly as the years of a great emptying-out of reality. Some, like this one, are set in the current world—at a time when, as Tom Richards, the central character, keeps remarking, "The century is getting old, very old." Tom is a 63-year-old English film director, married to an extremely rich American wife, Claire, who falls off a crane during the shooting of his latest movie, *The Hamburger Girl*. He damages his ribs, breaks his hip, finds himself in a world of nurses and physios, puts his film at risk, and generally comes face to face with his own dreams and realities.

In fact it's time, as one of his daughters, Marigold, says, to see things—life and wealth and love and womanizing—under the gaze of eternity. Marigold is one of those figures of vengeance and *memento mori* who often show up in Spark's fiction. She starts out grimly enough, as a moralist, "worthy as any man or woman in the works of George Eliot, unlovely, graceless," but gradually acquires a more ambiguous and sinister aspect. The end of the aging 20th century is a time severely afflicted with downsizing and "redundancy." As if symbolically, everyone in this book is losing a job, or falling off an economic or social perch, and so feels threatened with a crisis of purpose, or a sense of unstable reality. Marigold starts a book on this very subject, and, as she says later on, when she reemerges as a dissident hippie, "Few people realize what redundancy can lead to."

Spark writes: "It was typical of Tom, and in a way part of the mores of that world of dreams and reality which he was at home in, the world of filming scenes, casting people in parts, piecing together types and shadows, facts and illusions, that he made no distinction between divorced members of his family and those still married." Tom accepts the absurd and the unexpected, and equally the sexual dances and the unexpected combinations and disloyalties of his world. So, in the creation of hers, does Muriel Spark. Infidelity, sexual and otherwise, is a matter of course. Tom's filming crane, his ideal helicoptered overview, is his attempt to acquire a godlike, directorly role in a divine dream. Yet it's a dream where there's no apparent moral law. Life is a black comedy unfolding in a strangely divine universe. It's improbable, absurd, yet still somehow governed by some hunger for truth, purpose, reality.

Reality and Dreams is a pure Spark novel: strange, disturbing, absolutely confident in its own vision of the world. It's the work of the novelist who said, right at the beginning of her career, that "psychologists have shown how the world of dream and fantasy bears a direct relation to art," and the stories of artists have a source in the psyche. The critics have often noted that most of her works deal with characters who are themselves engaged in making fictions, constantly reinventing themselves in roles, or trying to direct the lives of others. The result is often a dance of deceivers. The many "redundant" characters of *Reality and Dreams*, constantly shifting between roles in film and roles in life, are stylish manipulators in a deception that is as real as life itself. Muriel Spark has been writing fiction for forty years, but in no way has she lost her touch. Nor has she qualified her divinely—and wickedly—critical view of this postmodernizing century, now so old, so very old. ♦

Still Life with Nukes

Rick Moody Grows Up a Little

By John Derbyshire

Upon Philip Larkin's death, one writer observed that while his verse could not be faulted on technical grounds, Larkin would never be admitted to the front rank of poets because his work did not *affirm* anything. The novelist Rick Moody inspires a similar reflection. Though he is now very accomplished, in what I think we are supposed to call the post-modern style, one searches in vain in his novels for any hint of a belief that life is worth living. In Moody's third novel, *Purple America*, there is even an appearance by that ultimate emblem of life-sucks teen nihilism: our old pal, the mushroom cloud.

Rick Moody
Purple America
Little, Brown, 304 pp., $22.95

One would not mind this so much if it came from a less gifted writer. Nor would one expect much else: Affirmation is not exactly common coin in the precious little world of current literary fiction—a state of affairs only natural in a civilization whose intellectual classes affect to despise it. Still it seems a waste for a writer as gifted as Moody to have his gaze so determinedly fixed inward and downward.

His debut, *Garden State*, was a dismal, very first-novelish tale of the blue-collar blues: underemployed twentysomethings addling their brains with booze, drugs, and rock

John Derbyshire is the author of the novel Seeing Calvin Coolidge in a Dream.

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music in the post-industrial wastelands of New Jersey. (In the photograph on the dust jacket, Moody even contrived to look like Bruce Springsteen.) A sort of watery sunlight came through at the book's end, but the overall atmosphere was one of gloom and futility.

A shower of gold descended on Moody's second novel, *The Ice Storm*: It has just been made into a movie by the brilliant and trendy director Ang Lee. In *The Ice Storm*, a tale of a Connecticut family that undergoes a crisis over a winter weekend in the early 1970s, the angst is suburban and upper middle class, but just as relentless. The publisher's hype raised inevitable comparisons to Updike and Cheever; comparisons that only serve to highlight the problem. Updike belongs, and Cheever belonged, to a generation still in touch, if only at second hand, with the older, simpler, harsher America. Even at their most mordant, they never shed that postwar élan, that sense that what *is* is so very, so unexpectedly better than what *was*. In the lowest depths of ennui, their people still possess a vestigial understanding that, as boring and pointless as suburban life frequently seems, it sure beats farm work. Moody's characters do not know this.

Now it is indubitably true everywhere, even in the suburbs, that "man that is born of a woman hath but a short time to live, and is full of misery." But that is only the first half of the proposition as originally stated, and cannot sustain a novel, much less a whole body of work. In *Purple America*, I think I detect some dawning realization of this truth on Rick Moody's part, the book's portentous mushroom cloud notwithstanding. I hope I am right. At his glummest, he is a very good writer; when cheerfulness breaks through, he is superb.

Meet, then, Hex Raitliffe, a middle-aged loser mottled with social stigmata: stammer, drinking problem, meaningless job, single status. Hex has been summoned from Manhattan to his mother's house in coastal Connecticut. Billie, the mother, is in the last stages of a progressive neurological disease. Once a woman of spirit and sensibility, she is now quadriplegic, almost speechless, and prone to wet herself. (Seems to me that an indwelling catheter is indicated, but the author is determined to spare us none of the grisly realities of quadriplegic care.)

The occasion of the summons is that Billie's husband Lou, Hex's stepfather, has abandoned her. On learning this, Hex pours himself a stiff drink. Then he has a few more, and soon he is soused enough to convert a crisis into a catastrophe. The encompassing action of the book covers only a few hours—Friday night to Saturday morning—but that is as long as it takes for commonplace events to unravel into chaos, in both the private and public worlds. For stepfather Lou is a manager at the nuclear-power plant nearby; and while Hex is blundering through his own and his mother's travails, Lou, stopping off at the plant for a last afternoon at work before heading off out of everybody's life, discovers a major leak of radioactive material into Long Island Sound.

In flashbacks, we learn of Hex's father, who worked on the Manhattan Project in World War Two and later made a modest fortune in uranium mining, but died of an aneurysm when Hex was 11. A very dramatic passage adapted from Jungk's *Brighter Than a Thousand Suns* is inserted; and there is a hint that Hex's problems may have begun with the irradiation of his father's gonads. The point of all this is presumably to lift our attention from the personal to the historical. Perhaps that too is a sign that Moody is

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ready to let his talent roam over a wider field than the mall and the half-acre lot. If so, though, he should probably try to do it in a less obvious fashion.

Purple America is sometimes very funny, and it is marvelous how far Moody's prose style has come in the five years since *Garden State*. It is worth bothering to chide a performer for falling short of the first-rate only when he is capable of the first-rate; in Rick Moody's case, there is ample evidence of it. ♦

THE VICTORIAN FUTURE

Neal Stephenson Re-Moralizes Science Fiction

By Francis Fukuyama

Over the years, there has been a gradual change in the way science fiction projects forward our present-day technological hopes and fears. In the 1950s and '60s, authors imagined futures in which science and technology had evolved into new forms either horrifyingly destructive or unimaginably benign—from radioactive Godzillas and mutant swamp creatures to cities in the clouds where everyone has his own private jetpack. In most cases, however, there was an integrity to the society against which these changes occurred. Aliens always attacked some tidy American suburb or modern Japanese city, and if civilization descended into barbarism or reverted to an earlier set of feudal norms (as in Frank Herbert's *Dune*), that alternative social world was clearly demarcated from our own.

Neal Stephenson
The Diamond Age,
Or a Young Lady's Illustrated Primer
Bantam, 455 pp., $22.95

In recent years, however, imagined futures have become what can only be described as dingy, populated by noxious cultural fragments from the world in which we actually live. The most astonishing technology coexists with a society that is violent, polluted, and crime-ridden; where garbage lies uncollected on broken-down spaceships; and in which the purity of the silicon chip stands in sharp contrast to the degradation of ethnic conflict, terrorism, and random violence perpetrated by punk-sadists. And, in these grungy futures, religion has made a roaring comeback.

The novelist Neal Stephenson has become a leading exemplar of the new science-fiction school. I have yet to meet a hacker or information-technology guru who does not see Stephenson's writings as a point of reference for what the digital future will look like. Stephenson began his writing career with two relatively forgettable books, *The Big U* and *Zodiac*, the latter an "eco-thriller" that achieved some following among radical environmentalists. Stephenson's reputation was made, however, with two novels, *Snow Crash* (1992) and *The Diamond Age* (1995). *Snow Crash* is about the Metaverse, an Internet of the near future in which people are represented in cyberspace by lifelike avatars that move, converse, and dismember one another in a fully realized virtual reality. *The Diamond Age* involves nanotechnology, the shrinking of machines to submicron scale so that invisible sensors can enter the bloodstream and report on the progress of their struggle with the host's immune system.

What is utterly brilliant about both of these books is not their portrayal of technology (something that is quickly dated as technology itself advances at a remorseless pace), but the social reality they describe. The America of *Snow Crash* is a libertarian, multicultural utopia: The country has fractionated into a series of "burbclaves" or "franchulates" like "Mr. Lee's Greater Hong Kong," in which residents are totally sovereign and free to set their own lifestyles. Blacks have their crime-ridden sovereignties; white racists can choose to live in New South Africa. (As in William Gibson's now-classic *Neuromancer*, Stephenson's future is heavily populated by Asians: The protagonist of *Snow Crash* is a half-black, half-Japanese hacker named Hiro Protagonist whose skill in writing software is matched only by his ability to wield a samurai sword.)

The jurisdiction of the federal government extends no further than the buildings that house its employees, who are mistrusted, demoralized, and subject to daily lie-detector tests to make sure they are not ripping off the few remaining taxpayers. The chief comparative advantage of the American economy, apart from software, is on-time pizza delivery, now controlled by the Mafia, which has franchised itself and punishes failure to deliver in 30 minutes with knee-capping or worse.

The Central Intelligence Agency has been privatized and merged with the Library of Congress to form the Central Intelligence Corporation, which buys and sells information to anyone who will pay, while the aircraft carrier *Enterprise* has been sold off to a religious huckster named L. Bob Rife and is being used to transport impoverished Asians and Rus-

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sians to the coast of California.

The Diamond Age features even more intriguing ethical themes. The protagonist is again a programmer named John Percival Hackworth, who lives in a neo-Victorian colony called New Atlantis outside of Shanghai. The Vickies, as they are known, originated in the observation that culture was critical to economic success. As Western civilization disintegrated in the early 21st century, it was only those possessed of self-discipline, honesty, and hard work who were able to prosper. The Vickies, who practice sexual prudery and speak to one another in a stilted, antiquarian English, so successfully remoralized themselves that they have become the richest and most technologically advanced of all the social fragments left by Western civilization.

The Diamond Age's plot revolves around the theft of a Young Lady's Illustrated Primer, an interactive book-computer programmed by Hackworth to educate New Victorian girls. It falls into the hands of a child named Nell, who lives in abject poverty at the mercy of her single mother's abusive and violent boyfriends. Nell finds the primer so intriguing that she is educated, in spite of herself, to rise out of her circumstances and become, however improbably, leader of an army of Chinese orphans rescued from the female infanticide practiced in the Celestial Kingdom (once a hinterland of the People's Republic of China).

There is one passage in *The Diamond Age* that deserves to be quoted at length. Alexander Chung-Sik Finkle-McGraw, a Chinese "equity lord" of New Atlantis, asks Hackworth how serious a vice he considers hypocrisy to be. After receiving an equivocal answer, Finkle-McGraw says:

> You know, when I was a young man, hypocrisy was deemed the worst of vices. . . . It was all because of moral relativism. You see, in that sort of a climate, you are not allowed to criticize others—after all, if there is no absolute right and wrong, then what grounds is there for criticism?
>
> You wouldn't believe the things they said about the original Victorians. Calling someone a Victorian in those days was almost like calling them a fascist or Nazi. . . .
>
> Because they were hypocrites . . . the Victorians were despised in the late twentieth century. Many of the persons who held such opinions were, of course, guilty of the most nefandous conduct themselves, yet saw no paradox in holding such views because they were not hypocrites themselves—they took no moral stances and lived by none.

The suggestion that our age has suffered grievously by elevating hypocrisy to the vice of vices has been made by a number of recent observers, including Alan Ehrenhalt in his book *The Lost City* (which evokes the vanished moral life of Chicago in the 1950s) and Gertrude Himmelfarb in *The De-Moralization of Society*. I do not know whether Neal Stephenson has ever read a word by either author, but he certainly writes as if he has. And he has stumbled onto a truth that may escape the cyberpunks who read his novels because they like nanotechnology and the Internet: that technological progress without moral progress is worse than useless, and that technological progress itself may depend upon a moral coherence that we are rapidly losing. ♦

Our Iroquois Fathers

Nathan Glazer Declares Us All Multiculturalists

By Dinesh D'Souza

"We are all socialists now," Sir William Harcourt proclaimed in 1889, a century before the greatest experiment in socialism imploded and ended global confidence in the idea. "We are all Keynesians now," President Nixon is said to have conceded in 1971, less than a decade before Keynesian policies sent the U.S. economy into a tailspin. These famous examples of premature consensus do not give Nathan Glazer pause. He cites them to establish precedent for his own strange declaration, "We are all multiculturalists now."

Nathan Glazer
We Are All Multiculturalists Now
Harvard, 192 pp., $19.95

If black-studies advocate Cornel West (for example) made such a pronouncement, it would be dismissed as a case of thrasonical hype. The debates of the '90s have made clear that the multicultural agenda in education is highly controversial even within the liberal camp. No one can say that restrictive speech codes, ethnic "theme houses," Afrocentric curricula, and the like enjoy universal acclaim. What gives a hint of outrage to Glazer's title—provocative enough for declaring an entirely open question closed—is that Glazer has the reputation of being a conservative on civil-rights issues. This is the Harvard sociologist who bravely and eloquently questioned affirmative action in the 1970s, the one who, in so doing, earned the unforgiving enmity of the Left, including many of his colleagues. Thus his apparent defection to the multicultural camp would appear a serious reversal for conser-

Dinesh D'Souza's most recent book is The End of Racism *(Free Press).*

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vatism in the ongoing culture wars. Et tu, Professor?

In fact, Glazer has not changed his name to Nathan Muhammad, nor has he surrendered to the other side. Indeed, he has produced, for the most part, a thoughtful and sensible book that will reinforce his reputation as a voice of reason and moderation. The book is marred, however, by a defeatist tone that has characterized Glazer's writing in recent years and must be recognized as a tired old warrior's plea not to be called a "racist" anymore and to be permitted to resume a normal life in the peculiar cultural milieu of Cambridge, Mass.

So what is Glazer trying to say? He came to recognize what he terms "the apparent inevitability of multiculturalism" during his participation in a committee to review a controversial blueprint for the New York state public-school curriculum, prepared under the guidance of the notorious Afrocentrist Leonard Jeffries. Although the committee included some critics of multiculturalism, such as Arthur Schlesinger, Jr. (who dissented from the final report), Glazer was struck that virtually everyone assumed that something needed to be done to accommodate the black and brown faces in the public-school classroom. The committee's final report, while eschewing denunciations of Western civilization, advocated the inclusion of "multiple perspectives"—specifically the perspectives of African Americans, Mexican Americans, Native Americans, and Asian Americans.

Glazer reluctantly goes along with all this. He admits that his personal preference is for a narrative of American history in which the promises of the Declaration of Independence become an unfolding reality for successive groups of immigrants. Yet he is convinced that the political reality has changed and that the old "melting pot" ideology does not command widespread assent anymore.

What makes the new generation of immigrants all that different from its predecessors? Admittedly, many of the newcomers are non-white, yet their problems of language, lack of access to credit, and a feeling of displacement in a new land would be entirely familiar to the Irish, Italians, and Jews who came to the United States at the turn of the century. Moreover, nativist prejudice against today's Mexicans and Koreans is no greater, and arguably considerably less, than the prejudice directed against Southern and Central Europeans a century ago.

Glazer seems to agree, but counters with the most interesting point of his book: Multiculturalism, he says, is a rainbow coalition that has been assembled to give broad political cover for the specific grievances of one group—American blacks. Many immigrants are "perfectly content with a Eurocentric curriculum," but the case of American blacks is exceptional. This is doubtless correct. No other group suffered enslavement and state-sponsored segregation. And politically and culturally, blacks remain in many ways a distinctive population today. Glazer cites intermarriage data showing that whites intermarry at a high rate with Latinos and Asian Americans but that the exogamy rate for African Americans remains extremely low. He contends that "multiculturalism is the price America is paying for its inability to incorporate into its society African Americans in the same way and to the same degree it has incorporated so many groups."

MANY IMMIGRANTS ARE CONTENT WITH A EUROCENTRIC CURRICULUM, BUT THE CASE OF BLACKS IS EXCEPTIONAL.

Maybe so. But Glazer's own analysis suggests a way out: Educators who perceive the flaws and dangers of multiculturalism can develop political strategies based on a recognition of the fragility and, to an extent, the falsity of the alliances that keep the system going. If many native-born African Americans see the American dream as nothing but a racist hoax, numberless immigrants—including black immigrants from the West Indies and Africa—view America as a success story. Perhaps all students in New York classrooms should be made familiar with black grievance, but why don't the West Indians and Nigerians share it? After all, they too are "persons of color" and ostensibly vulnerable to the depredations of American racism.

Glazer seems to regard all this as disagreeable realpolitik. He is willing to concede the triumph of multiculturalism simply because virtually all parties in the contemporary debate agree that some changes are necessary to reflect ethnic diversity and to accommodate black grievance. Reassuringly, he declares that "we should not base the social studies curriculum . . . on pure fantasies about the role of Africa and blacks in world history," yet he "would reject a curriculum that gives the same place to European history that it held in the 1940s."

When Glazer evaluates Afrocentric myths with skepticism, I know whom he is arguing against. But I am not aware of anyone—not Bill Bennett, not Lynne Cheney—who insists that American public schools today teach exactly the same material they did half a century ago. The curriculum has always evolved. It has evolved according to ongoing debates about literary and historical merit. What is new is that advocates of change have largely abandoned claims of merit and substituted claims of representation. They have shown themselves perfectly willing to subordinate truth to considerations of ethnic self-esteem.

Here is where we need to draw the

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line—something Glazer will not do. Consider an example from his book. Is it true, as the New York state syllabus claims, that the Iroquois Indians were an important influence in shaping the ideas of the American founding? Alas, no. Yet after stating that the role of the Iroquois League was "insignificant, perhaps nonexistent," Glazer offers this astonishing observation: "But how important is it that students should know that?" If false beliefs about the Iroquois "raised Native Americans in the esteem of their fellow students, would that be a justification for teaching the story?" Glazer does not answer his own questions, but he seems genuinely ambivalent, perhaps because he considers it inevitable that, whatever the historical facts, the Iroquois will find their way into the classroom.

In this instance, Glazer's apparent generosity of spirit, and his pragmatic concession to the times, is a poor camouflage for cowardice. Nothing will assure the triumph of the multicultural ideologues more than the despondent sense, on the part of thinkers like Glazer, that the ideologues' project is destined to prevail and therefore cannot and should not be resisted.

Glazer's wrongheaded conviction of inevitability arises from his failure to distinguish the fact of multiracialism from the ideology of multiculturalism. Yes, new faces in the classroom mean new questions, and to some extent new perspectives. Yet it is up to thoughtful educators to figure out how to respond to these new realities. Plaintive acquiescence in unreasonable demands is not the only option available. ♦

CASH AND CARREY

Enjoying Midler, Annoying Cusack

By John Podhoretz

— MOVIE DIARY —

Liar Liar
Jim Carrey

The Godfather
Francis Ford Coppola, et al

That Old Feeling
Bette Midler

Grosse Pointe Blank
John Cusack

FRIDAY, APRIL 4. *Liar Liar*, the new hit comedy starring Jim Carrey, just passed the $100 million mark, and fifteen of those dollars came from my wallet. I was eager to see *Liar Liar* even though Carrey's track record isn't very good. After sensational lowbrow turns in *Ace Ventura: Pet Detective* and *The Mask*, Carrey's three subsequent movies were agonizing. (I fled *Ace Ventura: When Nature Calls* after half an hour when a joke about spittle nearly caused me to return the Raisinets I had lately ingested back to their box.)

Carrey is the latest incarnation of a long-standing show-business conundrum—the Intolerable Genius. He has been put on this earth with every bit of performing talent known to man; there is, it seems, nothing he cannot do, and nothing he cannot make his body do, in hopes of pleasing an audience. If he had chosen to be only a dancer, he would have rivaled Astaire, as scenes in both *The Mask* and a little-known vampire comedy called *Once Bitten* demonstrate. He was brilliant in his one dramatic turn as an alcoholic screw-up in a hey-ain't-we-dysfunctional? TV movie called *Doing Time on Maple Drive*. And he spent four years on the TV sketch-comedy show *In Living Color* showing off his unrivaled abilities as an impressionist, his Sinatra-like pipes, and the astonishing dexterity that makes him the most formidable physical comedian since Buster Keaton.

Carrey is a genius, just as Danny Kaye and Sammy Davis, Jr. were before him. And yet, just as Kaye and Davis taxed one's endurance to the limit with the way they shamelessly milked their own gifts, Carrey too is frequently intolerable. He is so desperately eager to "kill," to use a stand-up comedy term, that he cannot let up for a minute. He mugs, he preens, he pratfalls; he's always, always working, and you always, always see the work.

Liar Liar features Carrey at his most manic, and though it isn't a very interesting movie, he is nothing short of amazing. Playing an inveterate liar who suddenly finds it impossible to tell an untruth, Carrey converts his entire body into a walking, talking, grinning, tortured, and terrified *faux pas* in an effort to keep from uttering words of truth that will only get him into trouble.

There is nothing intolerable about him in these scenes; he is entirely in character, and screamingly funny. The problem is what Carrey does before he is overcome by the tell-the-truth spell. He is supposed to be a charming, funny, relaxed seducer, a decent but weak-willed guy who relies on his remarkably quick wit to get out of scrapes. Instead, Carrey hams it up as mercilessly in these opening sequences as he does when he is playing a man beset by magic.

Though I enjoyed *Liar Liar*, the cool night air was a welcome relief after 90 minutes trapped in the dark with a lunatic. Carrey is clearly so

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worried that he will lose the audience, as he did in the very first moment of *The Cable Guy* when he opened his mouth and began speaking with a ghastly lisp, that he hits the screen going 300 miles an hour and never stops. You want to slap him in the face, grab him, stare into his eyes, and yell: "*Less is more!*"

But for the Intolerable Genius, less is never more. And that may be why there's always one Intolerable Genius at any given time in movie history—but never more than one. The hyperactive Robin Williams and Steve Martin were Carrey's immediate Intolerable Genius predecessors, but they have since both settled down and now threaten, instead, to become Intolerable Institutions.

The truth is that the Intolerable Genius is not really cut out for movie stardom. Movie stars rarely overdo things; indeed, one of the qualities that make an actor a movie star is his ability to convey emotion while remaining as immobile as possible. Since movies take an actor's face and blow it up to 40 times its size, every millimeter of movement is recorded, every gesture accentuated. A great movie actor does most of his work with his eyes.

Saturday, April 5. *The Godfather* has been reissued with a refurbished soundtrack, and though it is a movie I have no need to see again—*The Godfather* is the only video I have ever owned and I already know it practically by heart, including the scenes with dialogue in Sicilian dialect—Francis Coppola and Co. get another 15 bucks off of me.

The Godfather runs three hours and two minutes, and in all that time there is only one—*one!*—false moment. That's when Al Pacino, as Michael Corleone, looks at his soon-to-be-wife, Diane Keaton, and says portentously, "Who's being naive, Kay?" after she points out that senators and congressmen don't get people killed.

That momentary spasm of anachronistic Vietnam-era phoniness aside, *The Godfather* is perfect. I didn't expect to find anything new in it this time, but today's showing has finally revealed to me why it is the greatest movie ever made. For twenty years I have been trying to figure it out without success. I tried "It's the great American saga" for a while, but no movie about a crime family can be the great American saga, even if its first words are, "I believe in America."

Then there's the "It's the great family saga" explanation, but that too is nonsense. For a family saga, there is surprisingly little family interaction in *The Godfather.* Al Pacino shares more screen time with Richard Castellano, who plays the family adviser Clemenza, than he does with Marlon Brando, who plays his father.

Today I surrender to the truth: There is no explaining why *The Godfather* is a great work of popular art. It is simply a triumph of narrative and character.

The Godfather is the best-told, best-acted, and most thrillingly conceived of movies; it has a terrific structure, brilliant dialogue, uncanny acting, all in the service of a fascinating and resonant story about complicated and interesting people. That is what we go to the movies for; it should not be surprising that the movie to do it best is the best movie.

Sunday, April 6. Don't you hate movie critics (excepting me, of course)? There is only one species of critic worse, and that is a TV critic (another of my professions).

Movie and TV critics are the kinds of people who think that specious drivel like *The People vs. Larry Flynt* is worthy of the word "masterpiece," that any small-screen movie about a lesbian soldier deserves an Emmy—and that the wonderful new Bette Midler comedy *That Old Feeling* is a stiff.

That Old Feeling opened two days ago to lousy reviews, and even though I know not to trust critics, when a comedy gets unanimously panned, prudence is called for. Its director, Carl Reiner, is unusually ham-fisted, and its screenwriter, Leslie Dixon, hasn't been heard of since the fitfully amusing *Outrageous Fortune* ten years ago (also starring Midler). Plus, the poster is very ugly, which is never a good sign.

No cause for concern. *That Old Feeling* is an unexpected joy—and one I hesitate to praise too much because it is a treat to discover an unheralded gem for yourself. It is a late-century version of *The Awful Truth*, the classic screwball comedy with Cary Grant and Irene Dunne as a divorced couple who break up each other's romances and come back together. Only in this case, Midler and ex-husband Dennis Farina have been divorced for fourteen years, have since married others, and only find each other again at their daughter's wedding.

If it sounds like a stale idea for a sex farce, rest assured that this is only the beginning. One of the most delightful aspects of *That Old Feeling* is that it really isn't about Midler and Farina. The movie gives equal farcical weight to their deservedly jilted spouses, their daughter, their new son-in-law, and a paparazzo who has made a career of photographing Midler (she plays an aging movie star).

Midler is at her most relaxed and amusing, and Farina delivers on the comic promise he showed as the overly proud gangster in *Get Shorty*. (David Rasche plays Midler's current husband, a therapist who slowly and hilariously unwinds when his Prozac supply runs out.) But the movie really shines a light on Paula Marshall, who plays the prim and nervous daughter in a performance that ought to make her a star but probably won't because of the drubbing the movie has received.

Conservative PC alert: *That Old*

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Feeling contains some unnecessary Republican-bashing, including its very last line. (But it's a funny line.)

MONDAY, APRIL 7. *That Old Feeling* gets attacked even as advance buzz on *Grosse Pointe Blank* is all positive. Figures. In a world in which the repugnant *Pulp Fiction* is considered the height not only of artistic achievement but of high fashion as well, *Grosse Pointe Blank* is a critic's dream: a hip, arch, nihilistic jape about a hit man who attends his high-school reunion. It is meaningless and hateful, but so drenched in attitude that you feel as though you will be laughed at for your Babbittry if you say a harsh word about it. The audience at the critics' screening I attended tonight greeted *Grosse Pointe Blank* with nervous laughter and confusion, waiting to be let in on the joke the way crowds try to look blasé outside trendy nightspots so that the doormen will let them inside the hallowed halls of Cool.

John Cusack, who co-wrote and stars in the thing, is a spectacularly talented young actor with an uncommon gift for playing intelligent people. He also has a pretentious streak and very poor judgment—in fourteen years he has been in only two decent movies, *The Sure Thing* and *Say Anything*. He is, instead, attracted to movies dripping with embarrassingly jejune conspiracy theories. He was in two of the worst political movies of our time, *True Colors* and *City Hall* (in the latter he played a 25-year-old deputy mayor of New York who spoke, for no particular reason, in a Louisiana accent). Now, in *Grosse Pointe Blank*, he gives a culminating speech about his training as a hit man at the hands of the CIA, which encouraged the homicidal tendencies that led him to flee from his beloved high-school prom date a decade earlier.

What, exactly, leads a motion-picture company to put into production a movie with a hit man as its sympathetic central character? *Grosse Pointe Blank* is the second such film in as many years. The first, *Cold Blooded*, went directly to video and HBO, as *Grosse Pointe Blank* should have.

The existence of a genre dedicated to psychopathic scum is yet another reminder that Michael Medved's prescient and hilarious *Hollywood vs. America*, which detailed other newly minted Hollywood genres like cannibal movies and vomit movies, was the decade's most unjustly maligned work of cultural criticism. ♦

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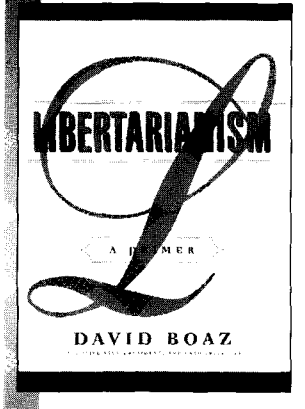

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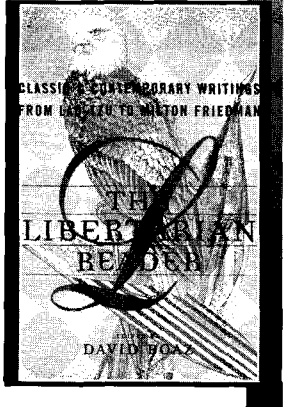

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